DYNAMICS OF BRITISH IMMIGRATION POLICY: A CRITICAL STUDY

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DECLARATION

I declare that the dissertation entitled **Dynamics of British Immigration Policy: A Critical Study** submitted by me in partial fulfilment of the requirements for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been previously submitted for any other degree of this University or any other University.

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Dedicated To:

My loving

Akkarayamma

and

my forever friend

Chinnuse

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ABBREVIATIONS

AFSJ	: Area of Freedom, Security and Justice
ACP	: Africa, Caribbean and Pacific
Benelux	: Benelux Economic Union (Belgium, Netherlands and Luxembourg)
BNA	: British Nationality Act
CAP	: Common Agricultural Policy
CEECs	: Central and East European Countries
CFSP	: Common Foreign and Security Policy
CUKCs	: Citizens of the United Kingdom and Colonies
DCI	: Development Cooperation Instrument
ECJ	: European Court of Justice
EDC	: European Defence Community
EDF	: European Development Fund
EC	: European Community
EEA	: European Economic Area
EEC	: European Economic Community
EFTA	: European Free Trade Association
ENPI	: European Neighbourhood and Partnership Instrument
ERF	: European Refugee Fund
EU	: European Union
EURATOM	: European Atomic Energy Community
EVWs	: European Volunteer Workers
HSMP	: Highly Skilled Migrant Programme
IND	: Immigration and Nationality Directorate
IOM	: International Organisation for Migration

IPS	: International Passenger Survey
IRA	: Irish Republican Army
IT	: Information Technology
JHA	: Justice and Home Affairs
MP	: Member of Parliament
MPS	: Metropolitan Police Service
NATO	: North Atlantic Treaty Organisation
NGO	: Non Governmental Organisation
OECD	: Organisation for Economic Cooperation and Development
OPCS	: Office of Population Censuses and Surveys
PBS	: Points Based System
POWs	: Prisoners Of War
QMV	: Qualified Majority Voting
RAF	: Royal Air Force
SAWS	: Seasonal Agricultural Workers Scheme
SDF	: Social Democratic Federation
SEA	: Single European Act
SIS	: Schengen Information System
TEU	: Treaty of European Union
TCNs	: Third Country Nationals
TUC	: Trade Union Congress
UK	: United Kingdom
UNHCR	: United Nations High Commissioner for Refugees
US	: United States
VIS	: Visa Information System
WRS	: Worker Registration Scheme

CHAPTER I

INTRODUCTION

CHAPTER I

INTRODUCTION

I.1. Background

The social phenomenon of migration has been an inevitable part of life in the history of humankind and is identified as one of the most serious problems experiencing Europe at all times with wider social, political, economic, demographic and ecological implications. The term 'migration' is derived from the Latin word "*Migrare*" which means 'to change one's residence' (Behuria 2006: 35). There are various definitions on migration[1] and theories[2] associated with it but generally it implies the movement of people, permanent or semi-permanent, between one country and another in search of better opportunities. The motives behind all migration are often broadly divided into economic factors comprising 'push' and 'pull' factors[3] including high wage rates, population pressures etc., demographic factors such as the population explosion in the home country and the inadequacy of domestic labour supply in the host society, socio-

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[1] Everett S. Lee defines migration "broadly as a permanent or semi-permanent change of residence. No restriction is placed upon the distance of the move or upon the voluntary and involuntary nature of the act, and no distinction is made between external and internal migration." According to him, no matter how short or how long, how easy or how difficult, every act of migration involves an origin, a destination and an intervening set of obstacles and also the personal factors which facilitate or retard the move (Lee 1969: 285). Henry Pratt Fairchild defines migration "as the peaceful, permissive transfer of population from one country, usually the country of birth or political affiliation, to the territory of another country, usually as individuals or families but sometimes in small groups, usually on personal and private resources but sometimes publicly financed. It always crosses a national boundary and is accordingly subject to legal regulation by at least two political entities" (Fairchild 1949: 185). Eisenstadt defines migration as "the physical transition of an individual or a group from one society to another. This transition usually involves abandoning one social setting and entering another and different one" (Eisenstadt 1975: 3). According to Grinberg and and Grinberg, "migration refers to the geographic mobility of people who move from one place to another, whether as individuals, as a part of a small group, or in a large mass" (Grinberg and and Grinberg 1989: 16).

[2] There exists a number of competing theories on migration. Dual Market Theory, World Systems Theory, Segmented Labour Market Theory, Network Theory, Institutional Theory, Cumulative Causation Theory, Migration Systems Theory etc. are prominent among them. Of these, especially the World System Theory and the Migration Systems Theory are the suitable frameworks for the present study.

[3] Push factors include increased poverty, famine or drought, disease, natural disasters, population pressures and an over-supply of less educated labour in developing countries. Many developing countries have experienced national economic difficulties, and in some cases crises that have increased unemployment and decreased social assistance. These economic difficulties are compounded by continuing population growth and low levels of education and training in many developing countries, in effect pushing persons to migrate to other regions. Pull factors, on the other hand, include the factors like higher wages together with lower taxes, availability of better social service schemes and persistent labour demand in the developed countries (Cherunilam 1987: 19-24).

cultural and psychological factors like the quest for independence, the desire to break away from traditional constraints of social organisation, previous residence abroad and presence of relatives and friends in the country of destination; political and institutional factors such as the home and host country's migration policy and several other miscellaneous factors including geographical factors such as distance, topography, weather and climatic features (Cherunilam 1987: 19). Migration can also happen under factors arising out of abnormal circumstances such as war, poverty, famine, epidemics, natural calamities, etc.

It could be seen that the significance associated with migration is ever increasing with the developments like accelerated population movement as a result of the globalisation[4] and the subsequent advancement in communication and travel facilities, the demographic particularities of low birth rate and population aging in developed countries and the resultant productive population deficit, the growing economic interdependence of states and the development of supranationalism in the transnational relationships. The present study tries to shed some light on the paradox of enhanced population movements and the conflicting trend of institutionalising a more restrictive immigration regime by the destination country as against the immigrant inflow which many a times restrictive on the basis of race.[5] This is deliberated by focusing on the case of Britain,[6] a member state of European Union (hereinafter EU), which has a

[4] Globalisation and migration are two of the most dynamic global socio-political trends which are highly interrelated under which international labour mobility has increased manifold. The levels of regulation and consequent exploitation have accelerated despite the fact that most economy needs labour. The practice of imposing migration controls itself is discriminatory as it involves a process of selection and exclusion and the depth of this will increase if the selection is on the basis of race or place of birth. Numbers are increasing rapidly, from 82 million in 1970 through 175 million in 2000 to nearly 2000 million international migrants in 2005, counting only those who have lived outside their country for more than one year and including 9.2 million refugees. One in 35 people is an international migrant; or 3 percent of the world population (GCIM 2005: 796).

[5] Race is a biologically distinctive human group with obvious features such as skin colour or hair type; or a group of people sharing the same culture, language etc, but other genetically transmitted features such as blood groupings tend to cross-cut the classical categorise. There seems to be no evidence that biological differences between populations have any relationship to variations in ability or character or with any cultural institutions (Crystal 1992: 630).

[6] The entity that had been known as the United Kingdom of Great Britain since 1707, the United Kingdom of Great Britain and Ireland since 1801, abridged to the United Kingdom of Great Britain and Northern Ireland since 1922 is the prime focus of this study through which the intricacies of international migration and the immigration policies have been dealt with. Throughout the present study the term 'Britain' is used loosely so as to incorporate Northern Ireland and the dominions of Scotland and Wales. The term United Kingdom (UK) is used at places where it is more appropriate.

unique position compared to other countries in the world migration history especially owing to its imperial tradition[7] that brought in magnificent and diverse numbers of immigrants to the country. This is done through the analysis of British Immigration Policy of successive times thereby attempting to problematise how policies act as an instrument of, and a legitimation for the exercise of state power and such other aspects like the restrictiveness and the underlying racial overtones of the policy as well as the contradictory feature of the growing need for economic migrants to some sectors of its economy especially in the Information Technology (IT) and construction sector.

According to Meyers, Immigration Policy consists of two parts – (i) immigration control policy, namely, the rules governing the selection and admission of foreign citizens; and (ii) immigrants policy that deals with the conditions provided to resident immigrants (Meyers 2000: 1246). The present study primarily focuses on the first aspect, though during the course it trivially considers the socio-cultural and economic features of the immigrant lives so as to picturize the degrees of their integration to the British society and the consequent social adaptation problems they face in the process. The study also deals significantly with the refugees and asylum[8] seekers and the relevant policies associated although both the concepts are different in law and have different backgrounds and reasons for entering a country and at times it is hard to distinguish one from the other but considered together when issues of settlement are discussed (Kelly 2003: 36). The scope of the present study specifically excludes the complexities of illegal migration[9] and the policies allied to it.

The history of immigration to Britain dates back to the beginning of recorded history or rather beyond that, but the inflow had increased manifold during the imperial and

[7] Migrants entered Britain through the doors of the Empire, (Taylor 1993: 165) the colonial capitalist penetration played a significant role in the initiation of large scale labour migration from the increasingly subordinate economic periphery or developing countries to the 'core' or the British imperial metropolis (Portes 1997: 810) thereby making Britain the metropolitan centre of immigration and it largely resulted in the diversity of immigrant population.

[8] Grahl-Madsen defines asylum "as a right of an individual to stay in the territory of the state granting asylum: not permanently, but so long as he is in need of it; that is to say, so long as he remains a refugee, or until he acquires a right of residence in a third country" (Shah 2000: 6).

[9] The Institute of Public Policy Research Fact File of 2006 defines the term illegal migrants "as people who are liable to be deported for issues related to immigration status" (IPPR 2006: 5). Jordan and Duvell define illegal migration as, "...crossing borders without proper authority, or violating conditions for entering another country" (Jordan and Duvell 2002: 15).

post-imperial era (Layton-Henry 1984: 14-15). Since then a diversity of immigrants of different ethnic[10]origin have entered and settled both temporarily and permanently in the country for a variety of reasons purely economic and socio-political, which ranged from legal immigration to asylum seeking and illegal immigration. Subsequent to this, various Immigration Acts and Rules were enforced at various times in response to the nature and velocity of the immigration. Though Britain has always cherished the imperial rhetoric of *'civis Britannicus sum'* which means 'I am a British citizen' and its carefully cultivated image of a society characterised by 'fair play, justice and liberty' and the notions of multiculturalism,[11] the practice shows that contrary to these ideals Britain has always tried to restrict the immigrants in a discriminatory manner (Spencer 1997: 21).

Immigration laws in Britain from the Aliens Act of 1905 to the present day legislations were specifically aimed at controlling 'coloured' immigration from the Commonwealth.[12] This is evident from the fact that throughout the discussions to control New Commonwealth (read 'coloured') immigration, especially during the post war period, every effort was made to ensure that the immigration from Ireland was meant to continue since Irish were viewed as culturally similar and easily assimilable

[10] Ethnicity is a term which represents social groups with a shared history, sense of identity, geography and cultural roots which may occur despite racial difference. According to Smith *ethnie or ethnic community* is a named human population with a myth of common ancestry, shared memories, and cultural elements; a link with a historic territory or homeland; and a measure of solidarity (Smith 1993: 28).

[11] According to Rex, multiculturalism in the modern world involves "on the one hand the acceptance of a single culture and a single set of individual rights governing the public domain and a variety of folk cultures in the private domestic and communal domains" (Rex 1997: 210). Multiculturalism advocates a society that extends equitable status to distinct ethnic and religious groups, aimed at recognizing and allowing members of distinct groups within that society to maintain their different cultural identities as a way to promote social cohesion. In Britain multicultural policies were adopted by local administrations since 1970s particularly by the Labour government. Various Race Relations Acts are apt examples for this. Multicultural theories propose that individuals can maintain their individual identity and their membership of a minority group, whilst at the same time becoming part of the wider society. Multiculturalism recognizes that different cultures can exist within one society, but that individuals are at the same time equal to each other. A multicultural society, therefore, is one where people are equal in the public domain, but where diversity is encouraged in private or communal matters. Multiculturalism is held to be compatable with equality of opportunity (Rex 1996: 16).

[12] The Commonwealth is a voluntary association of 53 countries with a combined population of 1.8 thousand million, which is almost over a quarter of the total world population. Members of the Commonwealth are former colonies of British Empire and Mozambique who seek to strengthen cooperation between each other. Although the process of Commonwealth membership began with the Statue of Westminster of 1931, the majority of members have joined in the post 1945 period which provided an opportunity for the Heads of State and Governments of its members to meet on a regular basis, every two years, and to reach common views on issues relevant (Blair 2006: 121).

to the British population (Layton-Henry 1994: 32). In the case of immigrants from the Old Commonwealth who are predominantly Whites, Britain is seen to have showed a general attitude of welcome. British policy makers were concerned that 'coloured' immigrants would not be welcomed by the general public and the problems of assimilation gradually would result in social conflicts, ghettoisation, racial discrimination[13] and violence and such other law and order problems. This argument was substantiated by the instances of racial riots that happened at various times. The notions of racial prejudice of the so called 'White Man's burden', 'European Imperial Superiority' and 'Non-White Inferiority' – that existed among the elites precipitated the assumption that immigration control is viable for racial harmony. Immigration related issues have been heavily politicised and became popular among the media and the electorate, and the developments like Powellism of late 1960s focussed on the disadvantages of immigration and the need for tough controls Thus the issue of 'controlling coloured immigration' had come to dominate British political culture at both local and national level. The immigrants were considered as potential competitors for jobs, housing and social welfare measures often resulting in the disregard for their positive features such as economic advantage, expansion of the labour force, diversification of the society etc. and ultimately leading to a negative attitude towards immigrants in general.[14] Successive Acts underline these factors and it is well evident that the British government is currently phasing in a new Points Based System (PBS) for highly skilled immigrants from outside the European Economic Area (EEA) in order to tackle the problem of increasing migratory flow.

[13] Racism as a social phenomenon is linked with discrimination and segregation. According to Troyna and Cashmore, racial discrimination is 'the active or behavioural expression of racism and is aimed at denying members of certain groups equal access to scarce and valued resources (Verlot 2002: 31). Racial discrimination means treating someone in a particular way because of his/her race or ethnicity. The term is usually understood to mean negative discrimination, i.e. treating people in a way which will disadvantage them relative to other social group in a society. Racism is an ideology that claims to explain an alleged inferiority of certain racial or ethnic groups in terms of their biological or physical characteristics. Racist beliefs have been used to justify the systems of inequality and discrimination (Crystal 1992: 630). Carmichael and Hamilton define racism as "the predication of decisions and policies on considerations of race for the purpose of subordinating a racial group and maintaining control over that group" (Shelby 2005: 107).

[14] This paragraph is largely drawn from the works of Layton-Henry (1984), Holmes (1988), Jones (1977) and Spencer (1997).

The present scenario indicates that the British economy is facing labour shortages due to productive population deficit, rising education levels and increasing negative attitudes to low paid menial jobs among the native born population. Shortages are particularly acute in sectors such as construction, food processing, agriculture and also in the skilled professional sectors of the IT. This general scenario attracts immigrants to the labour shortage sectors of the British economy but historically being a destination country of population with diverse ethnicity, the British Immigration Policy is often seen as quite discriminatory to several sections of the immigrants especially to those from the Third World, even though covertly (Spencer 1997: 10).

In fact, all the present 27 EU member states face the phenomenon of migration but at varying levels of intensity and proportions. Since EU now confronts more problems than benefits out of international migration, the need for a common EU immigration policy is unquestionable to better manage migratory flows and to ensure equal treatment irrespective of racial or ethnic origin and the other to combat racism and discrimination (Apap and Carrera 2003: 5). Though EU has put forward a number of legislations and policies to create a Common Immigration Policy, the responses from the individual member states have not been satisfactory as the issue is highly sensitive and the member states are reluctant to transfer their respective competence in the area of making national laws to the EU. The present study focuses on the case of Britain which is not an exception. The heightened restrictionism of the governments of the EU member states is reflective of the common fear that 'over-foreignisation' jeopardises cultural and racial homogeneity and endangers European identity and solidarity (Jain 1997: 163).

The core theme in British Immigration Policy is the British state's sovereign authority and capacity and the organisation of British efforts to regulate various forms of international migration at its territorial and organisational borders. The issues of immigration and European integration are entangled and it has presented challenges to the British state and has exposed a somewhat ambiguous relationship between Britain and the developing patterns of the EU's immigration policy and cooperation. Britain did not participate in the Schengen Agreement of 1990[15] and opted out of Title IV of

[15] The Schengen Agreement (Schengen I) of 1985 and the Convention of 1990 implementing the Schengen Agreement (Schengen II) abolished internal border controls between the EU member states.

the Amsterdam Treaty of 1997 (which came into force in 1999)[16] that linked immigration and asylum to free movement within the Union's Community Pillar. Yet, Britain has pursued those forms of intergovernmental cooperation at EU level that can reinforce the ability to attain migration policy objectives and also to enhance executive autonomy in pursuit of these objectives. At the EU level, a progressive Immigration Policy based on notions of equality and social justice is viewed as essential for ensuring indispensible human rights due to the migrants, irrespective of their race, colour and place of birth. Hence an argument could be made for a Common Immigration Policy which is fair and open in order to remove inequality of treatment across Europe (Black 1996: 69).

In this context, numerous studies have come up on the various aspects of immigration to Britain, including its social, political, economic and policy issues, together with its implications on the immigrant community. A review of selected literature in this area is as under.

I.2. Review of Literature

Ian R. G. Spencer (1997) in his work *British Immigration Policy since 1939: the Making of Multi-Racial Britain* argues that the government policy in the post war period was specifically directed at limiting the growth in numbers of coloured immigrants settling in Britain. The author says that the making of multi-racial Britain was an outcome of British policy, but it was an unintended one. The main theme of this work is dealing with the making and implementation of government policy towards immigration and the major debates involved in the process, in detail, from the Indian subcontinent, the Caribbean and Africa, the former colonies and the implications upon the immigrants from these countries in the twentieth century. It attempts to analyse the Immigration Acts enacted by the government and concludes

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The signatory states agreed upon common external border controls, the requirements for entry and residence of Third Country Nationals (TCNs), responsibility for dealing with asylum applications, joint initiatives on combating drug related crimes, exchange of data between the signatory states etc. (Dr. Varvitsiotis 2006: 17).

[16] With the signing of the Treaty of Amsterdam in 1997, the area of freedom, security and justice was established. The questions of immigration, visas, asylum and other policies related to the free movement of persons moved from third pillar to the first pillar, and thus came within the competence of European Community law, under Title IV of the EC Treaty, Articles 61-69 (Apap and Carrera 2003: 1).

that "the implementation of immigration policy in the twentieth century reveals a consistent 'racialisation' and a constant hostility to the immigration and settlement of 'coloured' Asian and Black British subjects."

Colin Holmes (1988) in his classic book *John Bull's Island: Immigration and British Society, 1871-1971* looks into the trends in immigration to Britain from 1871 to 1971, which culminated in the crucial Immigration Act of 1971. The main themes concern the immigrant and refugee groups that came to Britain, their reasons for migration, their economic, social and cultural histories, political inclinations and their reception by British society. The book also discusses about the economic influence of immigration and sees Asian and Black immigration as part of a larger pattern of movement occurred especially during the post war years as workers and dependents arrived in large numbers than ever before. The author traces the reason for this migration pattern to the historical imperial relationship which had grown up between Britain and these countries, uneven development of world capital, advancement of communication and transport facilities due to industrial revolution and the individual motivation to migrate. According to him, "there was no shortage of discrimination towards immigrants and refugees between 1871 and 1971" at varying degrees of subtlety and sophistication. His book emphasises that the "official responses towards immigrants and refugees were more complex" and "revealed the harsh side of official policy and institutional racism."

Catherine Jones (1977) on *Immigration and Social Policy in Britain* examines the development of immigration and social policy from three time periods in Britain's history: Irish Immigration from 1800-1861; Jewish Immigration from 1870-1911; and New Commonwealth Immigration from 1950-1971. The author presents the background and motivation, an assessment of public opinion, and a review of responsive changes in social policy for each wave of immigration. Though the Irish, Jewish and New Commonwealth immigrants were put in a common definition of economic migrants, "that they were all predominantly poor, numerous and strange" and she points out that "these newcomers were not all equally strange" by saying that Irish are not so strange to the British compared to the wholly alien Jew and hence less controversial as immigrants and the Commonwealth immigrants were the most strange population.

Timothy J. Hatton (2005) in his article titled *Explaining the Trends in UK Immigration* asserts that since 1970s Britain has gone from being a country of net emigration to one of net immigration. He suggests that improved economic performance in Britain relative to overseas has tended to increase immigration; rising British inequality has had an even larger effect. Immigration policies at home and abroad have also increased net immigration, particularly in the 1990s. His article deals with the trends in international and British migration, the immigration policies at Britain and abroad, the emigration of British citizens, and also the reasons for the recent trend of increased immigration to Britain. According to the author, the growing integration and falling barriers to migration within the EU clearly have raised both immigration of European citizens to Britain and migration of British citizens to Europe. But the sharp increase in net immigration of foreign citizens in recent years has occurred, and this appears to be due to more permissive British immigration policy, which is a debatable conclusion.

Anthony M. Messina (2001) in the article *The Impacts of Post-WWII Migration to Britain: Policy Constraints, Political Opportunism and the Alteration of Representational Politics* identifies and analyzes the most important consequences of the non-White, post Second World War immigration for contemporary British politics. The central argument is that the post war immigration has gradually altered the course of British politics along three major dimensions. As a result of the post war migration the ability of the British policy makers to better utilise the foreign labour was constrained and a significant increase in the permanent settlement of non-White immigrants redefined the political project of the state and finally, "the post war immigration and its social aftermath altered the representational foundations of Britain's political party system by engendering greater ideological competition between political parties and creating policy distance between them with regard to issues that are especially pertinent to Britain's growing ethnic minority population." Post war immigration and, specifically, immigration from the New Commonwealth thus has impacted the trajectory of British politics. According to her, in those changes that the non-White immigration has precipitated or facilitated, three are prominent the politicization of state immigration policy during the final phase of the post war labour migration, the non-White immigration with its social repercussions and their

political exploitation by anti-collectivist political actors, and finally, the impact upon the representational politics in Britain. According to the author, "by placing race related issues onto the political agenda, reinforcing enduring ideological schisms within and between the major political parties and modestly altering the Labour party's electoral orientation and activist base, post war immigration has expanded the content, amplified the tone, and subtly shifted the party-competitive context of British politics."

Lydia Morris (1998) considers the particularities of Conservative Immigration Policy characterised by the delimitation of rights and extension of controls through the article titled *Governing at a Distance: The Elaboration of Controls in British Immigration.* The study deals with the external strategies to control migration like the strict border vigilance and the management of public funds against the migratory flows which was undertaken by the conservative government during their tenure of power. Finally the paper shows how the rationality of these changes itself has been challenged and "elaborates the limits of governmentality, in practice."

David A. Coleman (1996) in his article *UK Immigration Policy: 'Firm but Fair', and Failing?* investigates the effectiveness of the British immigration policy. The stated aims of limiting the immigration to the minimum and keeping the obligations to dependents and genuine refugees of the policy are firm and fair at the same time. But the author is of the opinion that the policy failed considerably to limit primary immigration and fake asylum and refugee claiming. After a detailed evaluation of the key elements of British immigration legislations and over-viewing of the trends, he concludes that with considerable scope for expansion according to the timely needs "a new rational definition of immigration is required in official statistics" to control the migration and to avoid loopholes.

Zig Layton-Henry (1992) in his article *Britain: The Would-be Zero Immigration Country* pictures the position of Britain in the global perspective of controlling immigration. The author traces the basic assumptions that shaped the British immigration policy through the years considering the sovereign right of the state to decide who should enter and who should not, its relatively small island geography and the demographic and cultural pressures and relative assimilability of some immigrant

communities over others. He plainly states that "the unwelcome outsiders were Black immigrants from the Commonwealth." The article discusses at length the history of immigration to Britain and various steps taken by the government to control the immigration, and the reasons behind the anti-immigrant feelings. The article also deals the issue of the 'Europeanization' of its policy in conformity with the EU framework and attributes the reluctance of Britain to its national considerations like the imposition of greater internal controls and risk of rising support to anti-immigrant groups.

David A. Coleman (1987) in the article titled *UK Statistics on Immigration: Development and Limitations* discusses the data on international migration to Britain, its origin and limitations. The author is of the opinion that "no one source gives a demographically satisfactory account of net migration, and different sources of data are not compatible with each other." He identifies the major migration streams and enumerates the development of the nineteenth and twentieth century immigration controls and its related statistics. The article point outs the limitations of the International Passenger Survey (IPS) and Home Office Statistics in documenting the issue and the contrasting attitudes of Britain to immigration control which is often used by the anti-immigrant sections to press for further restrictions.

Gallya Lahav (2004) in her *Immigration and Politics in the New Europe: Reinventing Borders* presents an empirical study of the public opinion and elite attitudes towards immigration in the EU. The book broadly offers an analysis of the immigration policy in the EU and the institutional and psychological constraints on immigration attitudes, elite and public opinion towards the issue of immigration cross-nationally to show how and why increasing EU integration may not necessarily lead to successful immigration controls in supranational level. Lahav's study examines the issue of immigration in the context of a Europe where the role of the nation state is in question and the supranational authority clashes with national policymaking. Analyzing the elite and the public opinion, the book shows how the support from both has led to the adoption of restrictive immigration policies despite the requirements of open borders. She finds that "public opinion is more favourable toward EU immigrants than non-EU, mostly Third World immigrants, though not exclusively for racial reasons." Her assertion that "the overarching question is how liberal states in a global order can manage the movement of the people across national frontiers, while surrendering

borders for the movement of goods and capital," is indeed very relevant in the European context. With almost a quarter of the world's migrants, Europe has been attempting to regulate migration and harmonize immigration policy at their level. But many a factors including the public opinion and national interests, tends to head the policy in a restrictive direction. The study provides an important insight into the processes of European integration and shows how the issue of immigration does not fit the usual assumptions about European integration.

Andrew Geddes (2003) in his book *The Politics of Migration and Immigration in Europe* addresses the question of whether we can legitimately speak of a European politics of migration that links states in terms of their policy response to each other and to an evolving EU policy. The book carefully differentiates between different types of migration, introduces the main concepts and debates, and provides a broad comparative framework to assess the role and impact of individual states and the EU and European integration to this key contemporary issue. It tries to explore the extent of linkages between European countries in terms of their response to immigration. The author reviews the politics and policies of immigration across the breadth and depth of Europe including the 'older' immigration countries of France, Germany and Britain, the 'newer' southern European countries, and the Central and East European Countries (CEECs).

I.3. Scope of the Study

It is known that the movement of capital, goods, services and labour across the territorial borders are widespread in the modern globalised world. The development of technology, communication and transport facilities has accelerated the quantity, quality and frequency of the population movements in an astonishing manner. It creates new dimensions to the way in which the nation states respond to the key issues of migration whether it is economic migration or migration of any other kind be it asylum and refugee seeking or illegal migration. Migration is also known to have both positive and negative impact upon the sending, transit and receiving countries. Therefore it is relevant and rational to probe into the intricacies of the subject of

migration at length. However the present study will focus on the case of Britain which has always been a country of both immigration and emigration.[17]

Britain has always seemed to cherish the imperial rhetoric of '*civis Britannicus sum*' and 'Equal Rights for All British Citizens'- irrespective of their place of residence, race, colour or religion – to enter and settle in Britain. But in practice, since the Aliens Act of 1905, Britain has adopted a discriminatory policy on racial lines intended to restrict and exclude the entry of non-White, non-English speaking immigrants to the country. The present study titled 'Dynamics of British Immigration Policy: A Critical Study' pertains to the restrictive measures taken by Britain in response to the increasing migratory flow to its territory. It attempts to study the British Immigration Policy in detail for the purpose of understanding whether the motivation behind the subsequent British legislations is to restrict racial non-White migration. It also deals with the question whether the restrictive policies are required especially when the country is facing problems of productive population deficit as against the demands of labour market which needs migrant labourers in the skilled and unskilled sectors. The present study will also look into the implications of these policies upon the immigrants in general and the problems of social adjustment they are facing in Britain.

Though EU has formulated a number of legislations and policies to create a Common Immigration Policy, the main hurdle is that the individual member states, including Britain, are reluctant to transfer its competence in the area of making national laws to the EU since the issue is highly sensitive and politicized nationally. The study also contains the broader theme regarding the various steps taken by the EU towards a Common Immigration Policy in brief and enquires whether the EU can provide with ample solutions for the intricacies involved in the making of a just policy at the member countries' level and also attempts to place the British Immigration Policy within this broader framework.

The attempted review of selected literature has revealed the rationale of the study of the dynamics of British immigration policy as a highly sensitive issue having deep

[17] Both immigration and emigration refers to the act of leaving one's own country to another for a number of reasons like economic betterment, for instance. The term immigration is used to denote the population movement (inward) from the perspective of the host country whereas emigration is to denote the outward population movement from the perspective of the country of origin.

rooted impact upon the politics, culture, economy and such other vital sectors of the society. This fact amply gives an opportunity to dwell into the subject in detail for profound understanding and the proposed study is an attempt towards the same. As the study seeks to find whether the British policy is restrictive and discriminatory to the immigrants, the subject matter is also understood to leave ample scope for further research in these lines.

I.4. Hypotheses

The study of British Immigration Policy indicates that in spite of the ideals of liberal democracy, multiculturalism and fair treatment, the immigration policy has been restrictive as well as discriminatory in practice. The present study proposes the hypotheses that the objective of British immigration policy is 'managed immigration' having strong undercurrents on racial lines intended to restrict and exclude the entry of non-White Third World immigrants. It is likely that the Immigration Policy, including the recent changes will make Britain inaccessible to immigrants from all parts outside the EU against the labour market demands leaving serious socio-political and economic repercussions as well as grave impact on the immigrants. The study dwells upon the assumption that racial prejudices and the problems of social adjustments which the immigrants are facing block their integration into the host society. Although a viable solution to all these discrepancies can be attained practically through the EU framework, Britain is understood to be reluctant as the other member states to integrate its national immigration policy with EU set of legislations.

I.5. Research Questions

- Whether the British Immigration Policy including the latest changes is restrictive and discriminatory, having a racial undercurrent or is it asserting the ideals of multiculturalism and fair treatment which the British policies are known to stand for?

- Whether the British policies are subject to the demands of its labour market which is facing the problems of population aging and productive demographic deficit?

- Whether the British Immigration Policy is in conformity with the larger framework of the European Union's efforts towards a Common Immigration Policy?

- Whether the European Union can offer a viable solution to better manage the migratory flows and the associated problems of racism and violations of human rights?

I.6. Research Methodology

The kind of issue raised in the study requires exploratory research. To understand the subject matter in detail the study utilises the historical and analytical approach. However at this stage, due to the time constrains and the limited scope for field work, the information for the present study is gathered mainly from secondary source materials like books dealing with the history and development of the process of immigration to Britain and its various stages in the making of legislations in this regard. The body of literature dealing with the issues of racism, social policy, public and elite perceptions are looked into. Since the study deals with the Immigration Policy of Britain in particular and also in the European context in general, the literature on the process of evolution of a Common Immigration Policy at EU level is also enquired into. It will not be possible to place Britain within the wider framework of the supranational institutionalism of the EU and the ongoing process for a Common EU Immigration Policy, unless the available body of literature in this field is well attended. For this purpose the study mainly relied upon the books, articles and working papers of international organisations like Organisation for Economic Cooperation and Development (OECD) and International Organisation for Migration (IOM). To have a critical insight into the related issues, those relevant articles from academic journals are also being referred. The study has also used online papers including UK Home Office Documents and Reports, Communications from the European Commission and relevant newspaper articles on the related areas.

I.7. Outline of the Study

The present study is divided into five chapters as under:

Chapter I introduces the concepts related to immigration and the immigration policies thereby setting the background for the study. An analysis of the scope of the present study and a review of the selected literature relating to the subject is being made. Also, the research questions addressed, the hypotheses advanced by the study and the research methods applied are enumerated in this Chapter.

Chapter II broadly outlines the history of immigration to Britain tracing the trajectory of the arrival of various communities at different times, their cultural peculiarities, social networking through the establishment of a number of organizations that centres on their religious affiliation, cultural background, regional languages, or particular interests like music, art etc. The Chapter also discusses in detail the patterns of social adjustments of the immigrant communities in Britain and the problems they face in the process.

Chapter III traces in detail the history and the development of British Immigration Policy through its various legislations. It is chronologically arranged with factual insights into the development of the Immigration Policy and a critical analysis is offered to inquire into the possibility of a racial content in the policies so far enacted. The Chapter also looks into the questions why Britain needs immigrants, mainly skilled labourers and what is the impact of the Immigration Policy upon the immigrants in general and also the extent and nature of the problems of social adjustment they are facing in Britain.

Chapter IV deals with the larger EU framework towards a Common Immigration Policy for its member states and examines whether the British policy stands in conformity with the EU set of legislations. It also deals with the question whether EU can offer a viable solution to the problems arising out of migratory flows which most of the European countries including Britain facing.

Chapter V summarises the major findings of the present study within the broad framework of issues raised. The chapter would also attempt to raise pertinent issues and important questions to be taken up for further research.

CHAPTER II

HISTORY OF IMMIGRATION TO BRITAIN

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II.1. Introduction

Historically, Britain is a country of both immigration and emigration. Immigration to this country involved those groups which arrived to Britain purely for economic purposes such as to find jobs both permanent and temporary, those who had come for the war time services and settled permanently, significant number of refugees who decided to leave their country out of either political, cultural, racial, and social reasons or a mixture of these, some come through marriages and students of various nationalities. The Office of Population Censuses and Surveys (OPCS) in its calculations of population movement into Britain has adopted the international statistical definition which categorises an immigrant as any person who, having resided abroad for an year, has declared an intention on entry of staying for a minimum period of one year (Holmes 1988: 3-4). However, the OPCS has stressed that this categorisation does not correspond with any current legal definition. Outside official sources the term has been used in a variety of ways and with a frightening elasticity, it has even been stretched to include those children born in Britain to immigrant parents. This chapter attempts to document the history of immigration of various nationalities to Britain for a multitude of reasons and considers the salient features of these transnational communities[1] in matters like the nature of their settlement, jobs they have taken up, their social-kinship networking and cultural features in a detailed manner to illustrate the complexity and multifaceted nature of international migration in the context of Britain. For this purpose, the trajectory of immigration is broadly classified in the chronological order.

II.2. Early Immigration to Britain

The history of immigration to Britain dates back to the beginning of recorded history or rather beyond that. In the pre-historic period there were no British or English, a race

[1] Transnational communities are dense networks across political borders created by immigrants in their quest for economic advancement and social recognition. Through these networks immigrants are able to lead dual lives. Participants are often bilingual, move easily between different cultures, frequently maintain homes in two countries and pursue economic, political and cultural interests that require their presence in both (Portes 1997: 812).

of savage men from the East had taken possession of the southern part of the country and it was probably the first of that series of migrations of people from the East which have at different periods of history populated Britain with its very mixed race of inhabitants (Tickner 1925: 2). In the ancient period, the Roman invasion brought in Roman citizens even though their number was fairly small. These 'heterogeneous outsiders' included traders and other colonists and soldiers from anywhere in the empire who settled after their years of service, with citizenship status. The same happened with the later Saxon, Viking and Norman invasion. In the medieval period, immigrants arrived as Flemish clerks, Jewish financiers, traders and Lombards from Northern Italy, craftsmen from Flanders, Hanseatic merchants from North Germany, Germans with mining expertise, Frenchmen to work in the iron industry, Hollanders came to make salt, brew beer and develop the linen industry. The success of some of these groups at times generated forms of xenophobia[2] and resentment within the settled native population which resulted in their unjustly expulsion and often attacks against them (Holmes 1988: 5).

Throughout the sixteenth century, immigrants from diverse origin continued to come in including gypsies although they did not pose any economic threat to the settled population. The presence of Africans and Caribbeans however gave rise to official and public concern, followed by a Royal Proclamation in 1601[3] ordering their expulsion; however it could not be enforced absolutely. But the proclamation demonstrates that "state sponsored racism is neither new nor alien to Britain" (Gillborn 2008: 71). Apart from these groups came Italians, Huguenots, and Protestants from France and Spanish Netherlands due to Catholic oppression and civil wars and settled in the urban centres and English countryside. Jews were readmitted for settlement in 1656 and were officially recognised as a community in 1664, many years after their expulsion in 1290.[4] Even though in legal sense slavery was abolished in Britain with the Mansfield

[2] Xenophobia is most commonly defined as a 'fear or hatred of strangers, people from other countries or of anything that is strange or foreign' (Kershen 2005: 191).

[3] In 1601, a Royal Proclamation was issued and a Lubeck merchant, Caspar van Senden, licensed to remove all 'negroes and blackamoores' from Great Britain. There was a fear that the Africans might be taking jobs away from English citizens and also a concern that they were 'infidels'. For details, see http://www.todayinah.co.uk/index.php?userid=guest@todayh.co.uk&searchfield1=Royal+Proclamation

[4] In 1290, King Edward I issued an edict expelling all Jews from England. Lasting for the rest of the middle ages, it would be over 350 years until it was formally overturned in 1656. On 18 July 1920 writs

Judgement of 1772[5] and with the Act of Parliament of 1834, the so called triangular slave trade, centred on British ports such as Liverpool and Bristol, was at its peak in the eighteenth century and it guaranteed a continued Black presence in the country.[6] In the second half of the seventeenth century, sailors of a wide range of ethnic origins from various parts like the Caribbean, West Africa, China, West Asia, Malaya and India started to settle in the ports of Cardiff, Liverpool and London. With the large scale expansion of the British shipping industry in the latter half of the nineteenth century, many Acts were in force, for instance, the Merchant Shipping Act of 1823[7] to oversee their return to their country and prevent them settling in Britain, but official steps taken in this regard were not entirely successful[8]. Similarly the Indian lascars to meet the shortage of European seamen at a time of rapidly expanding trade between Britain and India resulted in the development of an Asian population there (Fisher 2007: 32). Other than lascars, those entered Britain during 1780s and 1830s include Indian diplomats and Indian princes, nabobs and their assistance and teachers of Indian languages in East India Company colleges (Fisher 2007b: 57-60).

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were issued to the sheriffs of many English counties, informing them that by Royal Decree all Jews were ordered to leave England before 1 November; any who remained were declared liable to be executed. The news of the expulsion was greeted by the population with great joy. For details, see http://www.heretical.com/British/jews1290.html.

[5] Legal ruling in 1772 delivered by the Lord Chief Justice, the Earl of Mansfield, which effectively abolished slavery in England and Wales. Mansfield ruled that the runaway slave James Somersett was free, on the grounds that the only type of slavery recognized in English law was serfdom. For details, see http://encyclopedia.farlex.com/Mansfield+judgment.

[6] The involvement of Britain in slave trade led to the worse treatment of Africans under the English law and the principle of freedom was only gradually realised in Britain with the onset of the slavery abolishment movement (Shah 2000: 201).

[7] The Merchant Shipping Act or the Lascar Act in 1823 required all ships over 80 tons to carry at least one apprentice. The legal documents binding an apprentice to his master and known as indentures were required to be filed with the Customs Officers in the ports at which the apprentice was enrolled. The 1823 Merchant Shipping Act re-confirmed the racial division between British subjects, first introduced in 1814, and held that for the purpose of the Navigation Acts lascars were not British citizens. The 1823 Act also abolished the system of bonding. Instead, any lascar convicted of vagrancy was to be repatriated by the Company and reimbursed by the ship owners responsible for bringing the lascar to Britain. The effect of the 1823 Act was to place lascars at the bottom of the imperial hierarchy of maritime labour. For details, see http://www.mariners-l.co.uk/UKApprentices.html and http://www.fathom.com/course/21701766/session3.html.

[8] Until almost a decade after the Second World War, the most substantial part of the settled Asian and Black population of Britain was occupationally related to the sea; though their number remained fairly small (Spencer 1997: 6).

II.3. Immigration in the Nineteenth and Early Twentieth Centuries

The industrial revolution propelled in Britain in the latter half of the eighteenth century and early nineteenth century intensified as well as diversified the population entering the territory of Britain for a number of reasons, economic and non-economic.

The 1871 census showed that 1,57,000 people in Britain out of a population of 31.5 million were born outside the British Empire and by 1911 the number increased to 4,28,000, i.e. one percent of the population (Oakland 2006: 60). Many groups came in from both continental Europe and non-European countries ultimately resulting in the unprecedented demographic and cultural transformation of the country into a multi-racial society. This section dealing with immigration in the nineteenth and twentieth centuries, for the purpose of lucid understanding, is subdivided according to the nationalities of the immigrants under the main heads of immigration from continental Europe and Afro-Asian countries.

II.3.1. Immigration from Continental Europe

It was during this period that the real basis of immigration to Britain was laid down and the issue as such gained public attention. Though the period prior to the nineteenth century witnessed the entering of many foreign people including some from the imperial colonies of Indian subcontinent and Africa, they were largely invisible due to lesser numbers and hence away from public attention. But the period prior to the First World War witnessed the increasing economic migration and refugee movement to the country from continental Europe.[9]

a) Irish

Large scale immigration from Ireland did not get under way till the early years of the nineteenth century (Jones 1977: 44). There have always been Irish in Britain but mass migration from Ireland followed soon after the Act of Union in 1800[10] by which

[9] Ireland though not a part of continental Europe is included in the present categorisation for ease of the study. Those from continental Europe included Germans, Poles, Lithuanians, Italians and such others who had overshadowed the non-European immigrants in numerical terms during the nineteenth century.

[10] The Act of Union 1800 is used to describe two complementary Acts whose official titles are the Union with Ireland Act 1800, an Act of the Parliament of Great Britain, and the Act of Union (Ireland) 1800. These two Acts merged the Kingdom of Ireland and the United Kingdom of Great Britain, already including Wales and Scotland to create the United Kingdom of Great Britain and Ireland.

Ireland became part of Britain and the catastrophic Potato Famine which began in 1846 coupled with the pull factor of the Industrial Revolution that initiated in the late eighteenth and early nineteenth century which perpetuated the demand for workers in Britain. Until 1922 all Ireland was part of the United Kingdom (UK) and Irish migrants were not 'international' although their religious and cultural distinctiveness set them apart from other migrants (Coleman 1987: 1143). Moreover, Irish dominated them all in numerical terms and their considerable increase was visible from the growth of Irish communities in London, Lancashire, Glasgow and Scotland. Though their number slightly declined in the late nineteenth century due to their newly found interest to immigrate to America, they remained the largest immigrant minority in Britain including the children who were born in Britain to Irish parents.

By 1870 the Irish had developed strong links with the agrarian sector of the British economy, but as mechanisation increased, their role as harvesters diminished and hence moved on to other semi-skilled and unskilled occupations as property landlords, railway construction labourers, publicans, pawnbrokers as well as in hawking, huckstering and the egg trades. Irish women immigrants were found in the textile mills of Lancashire and in laundry work and domestic service sector. Even though they were a key factor in bringing about the Industrial Revolution and industrial expansion as Britain had insufficient labour, the barrier of illiteracy, the transitory nature of their immigration, the influence of the Roman Catholic Church and a sense of alienation from their surroundings, the belief that Britain was responsible for the problems of Ireland and the discrimination they faced from within the British society kept them at the bottom of the occupational structure. Still they managed to find employment in post office, police, armed forces and such other government sectors and also in medical and legal fields (Holmes 1988: 36-38).

Another notable feature of Irish immigrant's social life was the residential segregation and their concentration in certain areas like London and Liverpool reflected the general interest to live close to people who shared similar beliefs and values and for the persistence of Irish culture which was evident in the use of Gaelic language. Irish

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Although the British version was passed on 2 July 1800 and the Irish version on 1 August 1800 they were not made effective until 1 January 1801. The Union with Ireland Act 1800 was not finally repealed until the passing of independent Ireland's Statute Law Revision Act 1983. The Act of Union (Ireland) 1800 was repealed in 1962. For details, see http://www.historyworld.net/wrldhis/PlainTextHistories.asp?ParagraphID=mxb.

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were directed into nationalistic politics and the issue of 'the Irish Question'[11] and even got involved in labour and trade union activism. By 1914 the Irish had generally managed to achieve a transition from a rural background to an advanced industrial urban setting both economically and socially (Holmes 1988: 39-42).

Irish were not free from hostilities as their social distinctiveness was further enhanced by their connection with the Roman Catholic Church which resulted in the eruption of hostility between Protestant organisations and the Irish, as anti-Catholicism was central to the Victorian culture (Holmes 1988: 60). A certain degree of suspicion was exhibited towards the Irish newcomers by English Catholics also since the former is different from the English variety. The development of militant Orange Associations dedicated to further the aims of Protestantism and maintaining the British connection of Ireland (Kaufmann 2007: 1), prominent in the north-west particularly in the Liverpool, was yet another feature at this period. In the course of the nineteenth century, the Anglo-Saxonism assumed a racial dimension which was at times combined with economic, religious and political antagonisms to express in the form of racial prejudice and there were several incidents of anti-Irish violence at Coatbridge, Tredegar, over the issues of the Irish Home Rule and local employment, which resulted in considerable damage to Irish lives and property. In England, the labour market conditions coupled with the image of the Irish as a social problem and the habits of alcohol consumption and criminality among them attracted critical comments. Responses to the Irish were complex and opposition was directed mainly at the Irish working class. Even though this was the case, evidences suggest that there was a general reduction in hostility towards them and they were less evidently categorised as outcasts compared to other immigrant communities (Holmes 1988: 60).

b) Germans

German presence in the British Isles was well established by 1871, when the Germans constituted the largest minority from continental Europe (Holmes 1988: 22). They

[11] Irish Question, often equated to Irish nationalism and independence, was one of the most important issues in the nineteenth century British politics, a major factor in Anglo-Irish relations. With the Act of Union in 1801 Ireland joined the Great Britain. But the Catholic Emancipation, the call for Home Rule and the rise of Irish nationalism resulted in the Irish Civil War and partition of the island into two states- the Republic of Ireland and Northern Ireland which remained with Britain in 1922. The Question is still active with the activities of Irish Republican Army (IRA) and largely shaped the Irish relation with the Britain at all times. (McCaffrey 1995: ix).

were predominantly men, found in London, Manchester and Bradford and they took up mainly the financial activities and occupations of commercial clerks, professionals, foreign correspondents, merchants and brokers. They were also found in the fields of electrical engineering, chemical production and textile industry and were widely regarded as efficient and successful.[12] Germans were generally well organised, with a number of support networks to sustain them in their new environment. The reasons for their emigration from Germany were the policy of compulsory military conscription in Germany, the pull factors of the higher wage levels, better working conditions and an atmosphere of tolerance together with the strong national tradition of liberalism that offered greater opportunities for advancement which prevailed in Britain etc. German gypsies who came between 1904 and 1906 as a part of larger gypsy movement in the early twentieth century, was essentially a forced movement by the most West European governments. They engaged in their traditional activities like horse trading, acrobatic displays and such other entertainment activities, hence posed little competition to natives. Fearing that the dumping of gypsies might be the starting of the population influx from the continent, they faced xenophobic hostility from local authorities, police, general public and even from the indigenous gypsies. The issue was taken up by the anti-alien lobby which had campaigned against Jewish immigration since the 1880s and considered it as an opportunity to secure a tightening of the Aliens Act of 1905 which had been passed by the time the second batch of gypsies arrived (Holmes 1988: 65).

Closely connected to the general situation of the last quarter of the nineteenth century and the subsequent failure of British firms resulted in the fear of undercutting of wages, job competition, and unemployment due to the oversupply of low status clerks created resentment among the local population. This was aggravated by the issue of Anglo-German rivalry that developed after 1870 and the mounting fear of Germany's growing economic power and military strength following the Franco-Prussian war of

[12] Even though city firms might benefit from the expertise of German labour skilled in European languages, there was a mood of opposition among the clerical workers in the 1880s. Any previous admiration for Germany and Germans had vanished and they were treated as a menace to the European civilisation. Against this background, there were attacks on them in 1914 in Deptford, Poplar, Keighley and Crewe. In tandem with these strong anti-German sentiments that sometimes took over the form of a Germanophobia, extended indiscriminately towards German Jews too and the 1914 Aliens Act enforced the internment or repatriation of enemy aliens (Holmes 1988: 96).

1870-71.[13] Trade rivalry and the drift towards war also created friction and favourable images of German efficiency and earlier relationships[14] translated into fear. Such tensions which led to the Official Secrets Act[15] in 1911 were to increase once war broke out in 1914 (Holmes 1988: 64).

c) Poles

Other groups who arrived between mid-eighteenth century and the nineteenth century were those who fled from the continental Europe, to escape from political upheaval there and the resultant terror of persecution. The Jews fled from the Russian Empire including Poland and Romania as a result of Tsarist persecution and pogroms and the anti-Semitic policies that prevailed between 1881 and 1914 coincided with the deterioration in their economic conditions. They were unskilled, destitute and conspicuous by appearance, language and religion (Coleman 1987: 1144). The number further increased as the earlier political refugees were joined by a number of their fellow countrymen, principally from western Poland, an area that was suffering from the effects of Prussian colonisation and were found mainly in the commercial and service sector of the British economy in London, Lanarkshire, Manchester, Glasgow, Leeds, East End and Cheshire and engaged in wood working trades like cabinet making, carriage building, upholstery making etc and as sales men in shops especially

[13] The Franco-Prussian War of 1870-71 was a disaster for the nation of France and a glorious victory for the Prussian armies as it established a united German empire as the pre-eminent military power in Europe. The War broke out in 1870 when Bismarck engineered a war with the French Second Empire under Napoleon III. This was part of his wider political strategy of uniting Prussia with the southern German states, excluding Austria. The war was an overwhelming Prussian victory, and King Wilhelm I was proclaimed Emperor of the new united Germany. The Second Empire collapsed and Napoleon III became an exile in Britain. In the peace settlement with the French Third Republic in 1871 Germany gained the eastern French provinces of Alsace and Lorraine, areas that were to provide a bone of contention for years to come. For details, see http://www.amazon.com/Franco-Prussian-War-1870-1871-Essential-Histories/dp/1841764213.

[14] In the case of the Germans there were royal links with the House of Hanover and the marriage of Albert and Victoria which added the link to the dynastic chain together with the emphasis on the Germanic origins of British society and the notions of Anglo-Saxonism and its institutions helped the image of Germans in Britain.

[15] The Official Secrets Act is one of several Acts of the Parliament of the United Kingdom for the protection of official information, mainly related to national security. Section 1 of the Official Secrets Act 1911 deals with spying and protects information useful to an enemy. The maximum penalty for offences under Section 1 of the 1911 Act is fourteen years' imprisonment. In the subsequent sections, it deals with penalty for harbouring spies (Section 7), restriction on prosecution (Section 8), issue of search warrants (Section 9), extent of the Act and place of trial of offence (Section 10) etc. For details, see the UK Office of Public Sector Information site at http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1911/cukpga_19110028_en_1.

of Jews (Taylor 1993: 37). Establishment of the Polish Society in 1886 and the setting up of the Roman Catholic Mission to the Poles in 1894 in London reflected the significant Polish presence there. This geographical concentration offered the best chance, not merely of fellow feeling in the new and strange environment and religious support, but also for gainful employment (Jones 1977: 70) and housing facilities and could be seen as a strategy to do away with the hostility and discrimination they had to face from the natives.

Generally the Polish immigrants showed an interest in the political developments of both Britain and Russia. Some of the new-comers formed Jewish anarchist or socialist groups whereas others were attracted to the Social Democratic Federation and later to the British Socialist Party, thereby moulding the course of Socialism in Britain. Some Jewish workers also involved in trade unions, though Jewish trade unionism made only limited progress till 1914 because of the structure of the trades in which the Jews found employment. There were attempts to adjust with the new environment which resulted in the cultural change or the abandonment of the traditional way of life. Changes in life style were assisted by education and an attempt to harmonise the old and the new, to bring about acculturation of the young so that they would be less visible than their parents and felt like outsiders while still remaining faithful to the tenants of Judaism and preserved the *heder* (faith) in spite of every effort to root it out by others. Within the immigrant areas the promulgation of Socialism and Zionism also exerted their respective influences and were woven into the history of the Jewish minority.

The Yiddish speaking new comers were different in many respects from the more liberal and accultured German-Jewish elite and the representatives of Anglo-Jewry and this difference created religious and political differences. The centuries' old image of Jews as Christ killers, being a reason for the religious opposition, the prolonged battle for Jewish emancipation and their concentration in business and finance gave them an image of an awkward community which was the personification of capitalism and the response towards them related to the existing global as well as British economic, social and political context. Their existence was considered as a threat to the job opportunities for natives, a reason for the hostilities in the housing market and the general anxiety over the overcrowding of the nation, intrusion of an alien culture,

intermarriage with aliens and the assertion that *'Whitechapel was becoming a New Jerusalem'* etc. were evident, particularly in the East End. Opposition was reflected in literature, speeches, etc. and several organisations were formed like British Brothers' League in 1901 and Immigration Reform Association in 1903 to exert pressure for immigration control. Collective violence was also directed towards immigrants in London, Leeds, Salford, Cardiff, and South Wales substantiate the hostility the Polish immigrants faced in Britain (Holmes 1988: 46-49).

d) Lithuanians

The Lithuanians, though small in numbers, were pushed towards Britain from Scotland were they initially settled due to the policy of Russification by Tsar. In the early years of settlement, there was a strong continuing interest and involvement in Lithuania and Lithuanian culture which reflected in the appearance of a number of Lithuanian language publications such as *Vaidelyte* (1899) and *Laikas* (1905). They found employment in heavy labouring sectors like the coal mines, iron and steel industry, railways and some in sugar works in Liverpool and salt works in Cheshire. Their arrival created some disquiet among native workers who accused the new comers as under-cutters of the local workforce, as strike breakers and as a source of cheap labour (Holmes 1988: 49-50). With time, they organised a branch of the Lithuanian Social Democratic Party at Bellshill in 1903 and started a publication in 1907 named *Rankpelnis* (Worker) which continued to appear fortnightly until 1923. Thus their involvement in Socialism helped in the gradual reduction of hostility, though not every strand of it disappeared. Again, all Lithuanians were not socialists, especially the priests and the clergy. The progressive involvement of Lithuanians in trade union and socialist activities upset both the Lithuanian clergy and the Scottish employers alike. They were alleged as a threat to the English way of life with their rudimentary knowledge of the English language. After the passing of the Aliens Act of 1905, many were deported and treated discriminately by the local magistrates and the police for their participation in industrial disputes earlier. The official hostility was intensified further during the course of the First World War (Holmes 1988: 50-52).

e) Italians

The Italians who arrived in the late nineteenth century emigrated due to the pressures within the Italian society coupled with their sense of adventure, improvement in communication and transport facilities between the two countries, and their sensitivity to the social and economic changes that were taking place in Britain, for instance, the increasing demand for labour in the British service sector. The wide gap between the semi-feudal South and its collapsed economic system and a more advanced North after the political unification of Italy in 1870 also perpetuated the movement. They were mainly represented up to 1880s in the service sector as street musicians and performers, entertainers, artisans and makers and sellers of plaster statuettes. But later, unskilled general labourers like peasants, masons, carpenters, domestic servants, hair dressers, waiters and cooks appeared. Ice-cream business was yet another successful area of their occupation. They were spatially concentrated in London, Holborn, Finsbury, King's Cross, Soho, Glasgow, Manchester, Cardiff, Liverpool, Leeds, Bradford, Edinburgh and Newcastle (Holmes 1988: 31) and followed a close-knit social life. They preferred to stay in each other's company and established a number of political, economic and leisure associations and service organisations like hospitals, church and also a number of Italian language periodicals were available in this regard.

The British attitude towards them was generally tolerant, as it was revealed from the help and support Britain provided for the cause of Italian unification. One area where they were criticised was the exploitation of child labour in the street trades which was a dominant feature of Italian employment back in the 1880s. By the late nineteenth century attention was diverted towards the waiters, cooks and domestic workers who arrived in increasing numbers and were greeted with less enthusiasm, as it tightened the competition. Together with this, the religious hostility from Protestants, the public concern of overcrowding among the Italian community and the fears of disease and moral decay, their alleged criminal behaviour and attachment with socialistic, anarchist and revolutionary leagues, etc. had an impact. Distinctions were made between Northerners and Southerners, with hostility reserved for the latter (Holmes 1988: 77). However they experienced comparatively less antipathy as it was believed that they blend absolutely with the nation.

f) Others

The census returns between 1871 and 1911 picked up other groups whose history has been largely neglected. The influx of people who left France in the wake of the Revolution of 1789[16] established a small colony near Leicester Square in London. The effect of revolution spread throughout the Europe and as a result, immigration to Britain was further increased in the first half of the nineteenth century. There was a French population of over 1000 refugees from the Commune, most of whom stayed in Britain until 1879-80, when the granting of a political amnesty allowed their return to France. There were Spaniards in the Merthyr Tydfil district who were recruited to Dowlais when local labour was in short supply in 1899. There was a Czech colony of a thousand or so in London in the early years of the twentieth century comprising mostly of tailors and waiters and they had a school and a club of their own. Beyond Europeans, the trans-Atlantic settlers, the White Americans for instance, who came to enjoy the European culture, and the writers and artists in London at the end of the eighteenth century, etc. were evident though their numbers were limited (Holmes 1988: 35).

II.3.2. Immigration from the Asian and African Countries

Another notable feature of the nineteenth and early twentieth centuries' was the inflow of immigrants from Asia and Africa to Britain's territory as a part of the larger movement related to colonialism. They became increasingly visible in the social, cultural, political and institutional life of Britain (Lahiri 2007: 127). The development of the steamship and huge expansion of the British shipping industry and its colonial possessions and overseas trade resulted in a rapid increase in the employment opportunities to which these groups had access, bringing them to British ports.

[16] The French Revolution of 1789 radically changed the government, administration, military and culture of the French nation as well as plunging Europe into a series of wars. France went from a largely feudal state under an absolutist monarch to a republic which executed the king and then to an empire under Napoleon Bonaparte. Europe was also changed as a result of the revolution. The revolutionaries of 1792 began a war which extended through the Imperial period and forced nations to marshal their resources to a greater extent than ever before. Some areas, like Belgium and Switzerland, became client states of France with reforms similar to those of the revolution. National identities also began coalescing like never before. The various fast developing ideologies of the revolution were also spread across Europe, helped by French being the continental elite's dominant language. For details, see http://www.britannica.com/EBchecked/topic/219315/French-Revolution.

a) Chinese

As early as the eighteenth century, a few Chinese sailors were seen in the East End of London who were employees of the East India Company but it was by the late nineteenth century the Chinese population increased noticeably which included those from Hong Kong. The reasons for their migration were the chronic over population and poverty in China and the pull factor of Britain's demand for Chinese labourers as trade developed with the Far East. In the course of the nineteenth century the Treaties of Nanking in 1842[17] and Peking in 1860[18] opened up China to British trade and with the opening of the Suez Canal in 1869,[19] the British trade with the Far East expanded rapidly and the demand for stokers, tramp steamers and seamen also accelerated the coming in of Chinese population. In 1901, it was estimated that 61 percent of the Chinese involved in sea related jobs. Though by 1911 the figure had fallen to 36 percent, seafaring remained the main source of employment (Holmes 1988: 52). They were also engaged in laundry and washing service occupations, indoor service, shop keeping, restaurants, etc and were seen mainly in Liverpool, London and Cardiff. 'Chinatown' in the East End of London was known for its Chinese restaurants. They

[17] The Treaty of Nanking or Treaty of Nanjing, signed on 29 August 1842 ended the first Opium War and the first of the unequal treaties between China and foreign imperialist powers. China paid the British an indemnity, ceded the territory of Hong Kong, and agreed to establish a "fair and reasonable" tariff. British merchants, who had previously been allowed to trade only at Guangzhou (Canton), were now permitted to trade at five "treaty ports" and with whomever they pleased. The treaty was supplemented in 1843 by the British Supplementary Treaty of the Bogue, which allowed British citizens to be tried in British courts and granted Britain any rights in China that China might grant to the other countries. For details, see http://www.britannica.com/EBchecked/topic/402608/Treaty-of-Nanjing.

[18] On 18 October 1860, at the culmination of the Second Opium War, the British and French troops defeated the Chinese; Prince Gong was compelled to sign two treaties on behalf of the Qing government with Lord Elgin and Baron Gros, who represented Britain and France respectively.The Treaty of Peking in 1860, was the ultimate codification of Sino-Western treaty system. The chief features of such system established in 1860 were: consular jurisdiction over treaty power nationals (extraterritoriality), foreign administrative control of concession areas in treaty ports, foreign warships in Chinese waters and troops on Chinese soil, foreign shipping in China's coastal trade and inland navigation, tariff limited by treaty, and missionaries' right to preach in the Chinese interior. For details, see http://www.thecorner.org/hist/essays/china/treaty-system1860.htm.

[19] Connecting the Red Sea with the eastern Mediterranean Sea, it extends 163 km from Port Said to the Gulf of Suez and allows ships to sail directly between the Mediterranean and the Indian Ocean. Built by the French-owned Suez Canal Co., it was completed in 1869 after a decade of construction. Its ownership remained largely in French and British hands until Egypt nationalized it in 1956, setting off an international crisis. Though protected by international treaty, the Canal has been closed twice. The first closing was during the Suez Crisis. The canal was closed again by the Six-Day War of 1967 and remained inoperative until 1975. It was one of the world's most heavily used shipping lanes. For details, see http://www.britannica.com/EBchecked/topic/571673/Suez-Canal.

had a number of mutual aid organisations such as the Oi T'ung Association founded in East End in 1907 and the Chinese Seamen's Union in the same year.

Though they were insignificantly small in number, fear of Chinese as a source of cheap labour and strike breakers was undoubtedly present in Britain in the late nineteenth century, which triggered off attacks on Chinese property in Cardiff in 1911. The Chinese seamen too faced fiercest of the racial attacks and in the 1906 general election, the use of Chinese labour in the South African mines became a major issue in constituencies of Liverpool West and Toxteth. The anti-Chinese sentiments were reinforced by the fear of future Asian dominance, allegations of sexual irregularities, opium smoking and gambling (Holmes 1988: 78-79).

b) Indians

The seamen from the Indian subcontinent had been recruited in the British shipping industry since the seventeenth century. The requirements of the imperial myth of White supremacy combined with racial stereotyping ensured that the engine room could contain all races, whereas, the Officer's Mess was a White Only preserve (Spencer 1997: 5). Indians were mainly from Punjab and Sind and composed of a variety of communities not only lascars and sailors but also ayahs, businessmen, *munshis* and a notable student community, who first established themselves on a temporary basis during 1850s and they were victims of discrimination (Holmes 1988: 55). Indian nationalistic feelings were evident among them and there was gradual but steady radicalization of Indian students and intellectuals in Britain. In 1861 Dadabhai Navaroji formed the London Zoroastrain Association to look after the welfare of Parsees in Britain and in 1865 formed the London Indian Society which had the aim of bringing together Indians and English and exchange views on India. Though Indians were ranked higher than Africans, they also faced blatant discrimination on racial grounds and were restricted to enter clubs, hotels, buses etc (Holmes 1988: 82).

c) Africans

At the height of colonialism, Africans found particularly in the multi-ethnic dockland areas of seaports and university towns such as London, Cambridge, Liverpool, Cardiff, South Shields, Edinburgh and Glasgow, were destined to serve the British in a variety

of subordinate positions, engaged in a multiplicity of occupations as foundry worker, bus worker etc. The influx of Black population was increased periodically by the inward movement of Blacks who were fleeing from the oppression of slavery in America and the Black sailors, generally called Black Jacks, who found their way to Britain or dumped in British ports by the shipping companies. There were transient African businessmen and student population from the wealthy Black families in the Caribbean and Africa adding to the number of African diaspora there. They founded the African Association in 1897 and Pan-African Conference was convened in London in 1900 which witnessed the publication of the journal named *The Pan-African*, exerted its sense of racial solidarity and in 1911 launched the *African Times and Orient Review*, the first political journal produced by and for Black people ever published in Britain. The Black population had always been unequal in a gender sense; the men had always predominated over women, and had also maintained its racial distinctiveness. The main stimuli to their emigration were White prosperity and the related phenomenon of the end of Black slavery. However in the course of the nineteenth century, the Black population declined by return migration chiefly due to changing conditions in the Caribbean (Holmes 1988: 33,55).

II.4. Immigration during the First World War

During the First World War and its immediate years, British society witnessed a series of historical changes – involvement of women in the labour market, industrial unrest due to war, introduction of food rationing in 1918, the need for conscription and at the international level the Russian Revolution in 1917,[20] the diminishing of British influence and the strengthening of the international position of the United States (US), and the collapse of other established empires in the wake of the war. It was at this time that Britain received a substantial number of refugees, whom most of them later join the labour market and subsequently added up to the category of economic migrants.

[20] The Russian Revolution is the series of revolutions in *Russia* in 1917 which destroyed the Tsarist autocracy and led to the creation of the Soviet Union. The first of the revolutions which, in February (March in the Gregorian calendar), overthrew the imperial monarchy of the Czar and replaced with the Provisional government and the second of which, in October (November in the Gregorian calendar), the Provisional Government was removed and placed the Bolsheviks in power. For details, see http://www.britannica.com/EBchecked/topic/513907/Russian-Revolution-of-1917.

a) Belgians and Others

Violating the Belgium neutrality[21] in August 1914, the German troops bombarded the Malines in September 1914, and a large number of refugees began to gather in Antwerp and it was in these circumstances that a decision was taken to bring some of the Belgians to Britain. The influx took place essentially between 1914 and the end of 1915; and after 1918, the traffic in Belgians moved in the reverse direction; more left than arrived. They were mainly from Antwerp and Ostend and those from urban centres out shadowed those from rural areas. These exiles in Britain persuaded the professions of laws, medicine, education, teaching, tailoring, and fishing and also worked as telegraphist, clerks, goldsmiths, and lapidaries. Many indulged as gunsmiths and in other war related industries like munitions industry once an amendment to the Aliens Consolidation (Restriction) Order of 1916 permitted aliens to be employed in this type of work. The introduction of conscription in January 1916 due to the insufficient volunteers for the country's military requirements placed pressure on the Belgian minority to engage in military services. Among women refugees most persuaded as domestic servants and some joined the munitions industry. Wherever the refugees settled, they created small enclaves of Belgian life and culture to sustain them until their return. By 1919, the influx came to an end and majority left the country, though some remained (Holmes 1988: 90-91).

Same is the case of Russian refugees who arrived to Britain after the Bolsheviks came to power in October 1917. By 1921 it was estimated that 15,000 Russian refugees from the Revolution had arrived but this number soon dwindled through emigration. In addition, a few hundred Armenians, refugees from Turkish persecution and German refugees continued to arrive. In the case of long established minorities, Germans for instance, the outbreak of war had immediate implications as the government introduced tighter controls over the aliens currently living in Britain.

[21] Following the Belgian Revolution of 1830, the British and French worked out a compromise establishing an independent and perpetually neutral Belgian state. Russia, Prussia, Austria and Portugal were persuaded to accept this though France showed some reservations later assented due to its wish to expand territory along the Rhine. But Britain, at the outbreak of the Franco-Prussian War, successfully pressed France and Prussia to sign treaties guaranteeing Belgian neutrality (Tucker, Spencer and others 1999: 119). During the First World War, Belgians remained allies in the fight against Germany and the German march across their country created widespread sympathy than hostility which helped in their immediate reception in Britain.

b) Asians and Africans

The First World War produced an enormous increase in Britain's 'coloured' population. When conscription took men to the war front, colonial workers began to increase and the 'coloured' seamen left their ships to find work on land. Many Blacks and Chinese continued as seamen and thereby helped in the functioning of the merchant navy and the maintenance of essential supplies. Others who had come to find jobs went into the war industries, munitions and chemical industries in the north and Midlands. Many Blacks took service in the British West Indies Regiment and the West India Regiment. Indian troops also fought in the war and were used in the front line in Europe but the public attitude towards them was the same. After the war some of the West Indian servicemen and Indian ex-servicemen decided to stay in Britain. Furthermore, a large number of Blacks in munitions and chemical factories stayed on once the war was over. Because of their greater involvement in the shipping industry, they were concentrated in ports, near the docks and in deprived and ruined urban areas, mainly in London, Liverpool, Tyneside and Cardiff and most of them were men. The inadequate infrastructure and the prevailing culture of these enclaves, together with the hostility of the surrounding White society restricted the social mobility of the Black population and that of the other racial minority groups congregated in such areas.

Voices against this hostility were displayed, though not very common, in the establishment of African Progress Union (APU) in London in 1918 to promote the general welfare of Africans. At the inaugural meeting of the APU it was asserted that *"if we are good enough to be brought to fight the wars of the country we are good enough to receive the benefits of the country"* (Holmes 1988: 93). In 1919, a number of race riots occurred and the aftermath of violence was the pressure from several sections of the White British society for the repatriation of 'coloured' men. Even though repatriation committees were set up, only small numbers did eventually leave.

II.5. Immigration during the Inter War Period

The effects of war did not cease in 1919 but continued to show its presence. It triggered the Bolshevik Revolution and henceforth, Communism became the feature

of European society. The Easter uprising in Dublin in 1916[22] resulted in the establishment of the Irish Free State. The appearance of Nazism and Fascism, the emergence of US as a major power and the depressing economic turbulence coupled with high unemployment and a remarkable procession of refugees to escape from persecution were the order of the day. Britain also got affected by these socio-political and economic developments and witnessed a stride of refugees and migrants to its society which was capable of producing long standing implications upon its institutions and social structures.

a) Irish

The official establishment of Irish Free State on 6 December 1922 had its impact, even then the largest minority in Britain remained the Irish but their absolute and relative size had declined between 1911 and 1931. The American post war restriction to Irish immigration, the cheaper and the easier access that Britain offered, the short distance and the change in Anglo-Irish political relations after 1921 were the factors that sustained their movement.[23] Most importantly, there were no restrictions on Irish immigration (Holmes 1988: 121) to Britain. In the employment they took up during the inter war years, there was a continuity of earlier concentration in heavy labour like railway and road construction and metal and chemical manufacture, which the British workers had little interest; while the employment in dock areas decreased. Furthermore, the municipal employment which tending to be restricted to local applicants also affected the prospects of Irish (Holmes 1988: 131). There was a small professional class of Irish doctors and lawyers, tended to segregate themselves from the majority Irish working class community which helped for the easier exploitation of the latter by the British and they faced serious housing problem throughout the inter war period. The struggle to overcome disadvantages as well as the fight for Irish

[22] The Easter Uprising took place in April 1916 in Dublin and is one of the pivotal events in modern Irish history. From the time of the Great Famine from 1845 to 1847, certain sections of the Irish population had lost all faith in the British government. On the morning of Easter Monday, about 1,250 people started an armed rebellion with the target of Irish independence and the removal of all aspects of British rule from the island. Due to a variety of reasons the rebels had to surrender but ultimately geared the process for the establishment of an Irish free state. For details, see http://www.historlearningsite.co.uk/1916_easter_rising.htm.

[23] As per 1921 census of England and Wales, their number was 364,747 and in 1931 it increased slightly to 381,089, i.e. 1.0 percent of the total population, of which majority came from the Irish Free State. In Scotland, the figures in 1921 and 1931 were 159,020 and 124,296 respectively, majority of it came from Northern Ireland.

independence helped to generate a degree of political consciousness within the Irish minority. By 1936, the opposition to the British government was evident through the increasing Irish Republican Army (IRA) activities and the IRA bombing campaign, leading to strain the relations.

Though Irish were an increasingly tolerant minority, the hostility against them derived from the British perception that they were economic competitors and a source of social problems of unemployment, existence of slums, criminality and diseases was actually a response of the general economic problems of the inter war years. The responses to the Irish in Britain were hence mixed, and did not always hold single dimensional views of exclusively tolerating, accepting or rejecting the Irish. In all these economic and social opposition there were elements of continuity with the past and their entry remained unrestricted. Discussion on the restriction and the repatriation of the Irish immigrants surfaced in 1929, in 1932 and again in 1934-35 but in 1937 an Inter Departmental Committee in its report on the issue of Irish immigration concluded that the Irish did not constitute a major social and economic problem and hence no restriction was imposed.

b) Jews

While the Soviet rule extended itself in Russia, the consolidation of Fascist and Nazist rule in Italy and Germany together with the Spanish civil war drove refugees to Britain. Refugees arrived from Armenia, Austria and Czechoslovakia as a part of this larger movement and a high proportion of these were Jews, adding up to the size of Anglo-Jewry, who were adults and mainly professionals representing the academicians, doctors, lawyers, artists and businessmen and settled mainly in London. They received help from the long established Anglo-Jewish community and such other non-Jewish groups like the German Emergency Committee founded in 1933, the International Hebrew Christian Alliance, the Christian Council for Refugees, the International Students Service etc. The inter war period witnessed several social developments like larger secularisation and acculturation of the Jews and the increased naturalisation process among them. There was a shift in the residential pattern, in Leeds for instance, with wealthier families moving to non-Jewish areas such as Headingley, Harrogate, Hampstead and Golders Green. Those who remained in their

earlier area of settlement were working class and they preserved their ghetto cultural life intact. The Yiddish theatre, literary and political activities and attachment to the British Communist Party were all features of this phase. Various refugee organisations like the Free German League of Culture in 1938 and the New Liberal Jewish Congregation in 1939 were established (Holmes 1988: 117,129). They even started several successful business establishments in London and northern region, thus providing a positive effect on the British economy. The arrival of the refugees from Nazist Italy substantially reconstituted a German born population which had been reduced by the repatriation that had taken place during and immediately after the First World War. Faced by the antipathy from the British based upon professional fears for employment in the inter war economic crisis there happened some re-emigration too. During the 1930s the Austrian refugees and by late 1930s Czechs arrived following the German seizure of Czechoslovakia.

c) Asians and Africans

Compared to the Irish and Jewish minorities, the size of all the so-called 'coloured' groups were relatively small. The violence of 1919 was reported in the colonies and the economic problems affecting Britain and subsequent unemployment in the 1930s, the hostility and discrimination they had to face in Britain all discouraged immigration. But immediately after the First World War there was a considerable increase in the Asian and African population associated with their recruitment for war time services. Numbers of those from Indian subcontinent were increased from 1920s by the arrival of a small number of men, mostly from Punjab, some of whom were soldiers who had served in Europe in the First World War; others were relatives or friends of already settled seamen looking for economic opportunities in Britain (Spencer 1997: 7). They mainly settled in London, Cardiff, Liverpool, Glasgow, Edinburg, Dundee, Birmingham etc. The restrictionist policy, the weak state of the shipping industry through most of the inter war years, the discrimination by both employers and the unions and poor treatment, as stated earlier, were the explanation for the slow growth of Asian and African population to Britain during the inter war period. However by 1939 the demand for sailors had begun to increase and the Second World War necessitated the Asian and African British subjects again for imperial defence and war time services. But temporary residence was only welcomed since the

official mind was always hostile to the settlement of 'coloured' in Britain. Some servicemen too remained in Britain after their demobilisation following the First World War. A small population involved in commerce and business and a number of writers, students and political figures could also be found.

The issue areas continued to be employment and housing. Rivalry for employment was intense and this competition spilled over into racial hatred, discrimination and collective violence which resulted in increased unemployment for Blacks as well as other minority groups (Holmes 1988: 134). As members of a disadvantaged group, their prospects of residential improvement were limited. Moreover, there was always a tendency for most minority groups to congregate at least initially with those who share a similar background and culture. It was also a response towards the White discrimination and their reluctance to the attempts of migrants to move beyond their allotted residential base. Some found solace in the folds of religion and others in political groups and associations like Sons of Africa, Colonial Defence League and International African Service Bureau and various students' organisations like Union for Students of African Descent (1917), Gold Coast Students Association (1925) and the West African Students Union (1925). The League of Coloured Peoples formed in 1931 gained a mid-way between the White sympathisers of the cause of Black liberation and radical Black organisations. There was development of Pan-Africanism and an awakening of political consciousness among the Black during the inter war years as a part of the larger scheme stimulated by the 1919 violence and White discrimination in every aspects of life coupled with events in Africa, Caribbean and US. Moreover, there was a growing recognition that in order to achieve freedom, pressure had to be exerted in Britain, the centre of colonial and imperial power (Holmes 1988: 136).

The political activities by the Indians, especially by the students for Indian independence resulted in the establishment of the Federation of Indian Students in Great Britain in 1936 which was a noticeable development. After the Amritsar massacre in 1919, the Old Commonwealth of India League was revived by Krishna Menon in 1924 which was influential within the Labour Party. Though students, entertainers, professionals were sufferers, the major burden fell on the working class. Conflict was particularly evident in the shipping industry where there was a heavy

concentration of 'coloureds' and the post war international labour competition allowed British to put blame for their difficulties upon the immigrant 'coloureds'. Organisations like League Against Imperialism, Seamen's Minority Movement, League of Coloured Peoples and South Wales Association for the Welfare of Coloured People took up the case of the 'coloured' people but they were at disadvantage in the labour market like elsewhere. Concern about inter-racial sexual contact and the children born out of such relations also fuelled White antipathy (Holmes 1988: 155).

II.6. Immigration during the Second World War

The Second World War had a severe impact upon both the older established migrants and the new arrivals alike. There was indeed some immigration from Ireland though the relation between them was a strained one during the war period and the controls were established even though labour was in high demand. At the same time, contrary to the British fears, Southern Ireland never became a centre of German espionage and influence but provided with both food and labour throughout the period. By arrangement with the Northern Ireland Ministry of Labour from the beginning of 1940 to the mid-1945 approximately 60,000 men and women came to work in Britain (Holmes 1988: 164). Many joined British armed forces to fight against Hitlerism. Hoping that the emigration of labour to Britain will ease the chronic unemployment problem in the Southern Ireland, the government in Dublin encouraged the movement too. In the atmosphere of larger controls, initially the Irish continued the earlier works like civil engineering, construction works, munition industry whereas women concentrated in the cotton mills, nursing and domestic services. The Irish workers contributed much to the war time economy by providing labour as British man-power diverted to the war front and the war time economy widened their choice of employment. They found accommodation mainly in private houses or in hotels and spread into the social and economic life of Britain. But still White antipathy continued towards both the Northern and Southern Irish alike (Holmes 1988: 178).

a) Europeans

Another noticeable movement was of European Jews, mainly from Germany, who were fleeing from the violent persecution that accompanies Hitler's rise to power (Cheetham 1972: 481). But once total prohibition of the Jewish emigration from the

Reich was issued on 23 October 1941, it became difficult for them to flee to any country outside, though a few could. Indeed, it has been suggested that the failure of Jews to emigrate was primarily due to the extreme reluctance of all countries to admit them. As in the First World War, the Anglo-Jewry played a full part in contributing personnel to the war effort. However, the widened range of Jewish employment, the internment of the alien enemy refugees, the closure of shops and factories, the curtailment of manufacture and sale in civilian goods etc. exercised a negative impact on their economic activity. Their social life too was influenced by the war, especially the government policy of internment which was intensified in 1940 and continued till 1945 and for this purpose, camps were established in several parts of Britain, the Huyton camp near Liverpool was an example. The internees took service in the Auxiliary Military Pioneer Corps, combatant and intelligence units and refugee scientists also did their part. The period was characterised by the decline in population, erosion of the cultural and social life, anti-Semitism, involvement in social-democratic and communist activities and emergence of Zionist ideology among many. Relief agencies to help the European Jewry were formed, like the Association of Jewish Refugees in Great Britain, for instance.

The period also witnessed the settlement of a number of Poles in cities of Edinburgh and London, who had been integrated into the British forces including the Royal Air Force (RAF) to fight against Nazi Germany. After 1940, the Polish government in exile became located in London. During the inter war period though the immigration of Poles was on a small scale, 44,462 in 1931 census, but with the onset of the war resulted the arrival of 30,500 military personnel and approximately 3,000 Polish civilians (Holmes 1988: 169). The periodic arrival of refugees expanded the already existing population but in 1941 the greatest increase happened due to the Sikorski-Maisky Agreement[24] of 7 July 1941. The Poles contributed much to the fight against Hitlerism but the dream for a free Poland became an illusion and hence-forth their settlement in the country. Such refugees constituted the first large foreign settlement in

[24] The Sikorski-Mayski Agreement was a bilateral treaty between Soviet Union and Poland, provided for the release of all Poles who had been deported to the Soviet Union after 1939 (Prazmowska 1995: 82-83). Under the treaty the Soviet government proclaimed an amnesty for the 1.5 million Poles who joined their fellow in Britain. The civilians held by the Russians were also released and they moved to Britain.

Britain once the war had ended. Small number of Czechs, French, Belgian, Germans and Hungarians also were present to constitute an exile minority community.

b) Asians and Africans

Chinese sailors also arrived with the need for sea men in the war, when the restrictions imposed on 'coloured' alien seamen in the Special Restriction (Coloured Alien Seamen) Order of 1925 was revoked. The same year witnessed the amendments to the British nationality and status of Aliens Act of 1914 for incorporating 'coloured' alien seamen for war time services. The period also witnessed the presence of Prisoners of Wars (POWs) whose labour was employed in the areas where there was a shortage of local workers. After the war, those who come for wartime services settled in Britain (Holmes 1988: 171).

Apart from the various alien groups, when man-power shortage become acute, British government imported labour from the Caribbean, Africa and Indian subcontinent, resulting in their marginal increase. Asian and Black Diasporas spread from the seaports to interiors, comprised of Indians especially Punjabis and Gujaratis, Bangladeshis, Pakistanis, West Indians, West Africans and Chinese. In the course of 1940-43 a few hundred West Indians were brought to England, skilled men like welders, electricians, fitters, motor mechanic etc. who were not easily absorbed into the war stricken and depressed Caribbean economy. The scheme ended in 1943 and they found US more interesting by the expansion of US war economy. It is estimated that 340 technicians and trainees were brought to Britain between 1940 and 1943. In addition, Britain recruited around 2600 timber workers from Newfoundland and British Honduras. Though they faced humiliation and disillusionment in Britain, the prospect of self betterment allied with the sense of loyalty to Britain pulled them to war time services.

Between 1939 and 1945 changes were seen in the structure and composition of those from Indian subcontinent. Still they mainly worked in the docks and ships, a number of seamen came ashore looking for factory works, reflected in the increase of Indians in centres such as Birmingham. Under a scheme in 1940, a number of Indian trainee munitions workers arrived in order to undergo training before returning to increase the munitions output of India. Military personnel were also recruited from the colonies.

Table II.1 Estimated Net Inward Movement from the Territories of New Commonwealth, 1955-1967

Estimated Net Inward Movement from the West Indies and from the West and East African, Mediterranean and Asian Territories of Commonwealth													
From	**1955**	**1956**	**1957**	**1958**	**1959**	**1960**	**1961**	**1962**	**1963**	**1964**	**1965**	**1966**	**1967**
West Indies	27,550	29,800	23,000	15,000	16,400	49,650	66,300	35,041	7,928	14,848	13,400	9,620	10,080
India	5,800	5,600	6,600	6,200	2,950	5,900	23,750	22,100	17,498	15,513	18,815	18,402	22,638
Pakistan	1,850	2,050	5,200	4,700	850	2,500	25,100	25,671	16,336	10,980	7,427	8,008	21,176
Cyprus	3,450	2,750	1,450	2,700	400	3,200	6,850	3,559	1,626	4,291	1,880	1,298	1,832
West African Territories	1,500	2,000	2,200	950	750	-500	5,450	8,527	4,106	3,863	1,807	693	120
East African Territories	700	700	650	400	150	250	2,650	1,954	3,208	3,514	1,809	1,118	1,601
Hong Kong	300	550	900	200	450	500	2,150	2,354	1,511	1,780	1,607	1,831	1,797
Others	1,550	3,400	2,400	-300	-350	-3,800	4,150	5,107	4,836	7,328	6,672	5,983	5,393
Total	42,700	46,850	42,400	29,850	21,600	57,700	136,400	104,313	57,049	62,117	53,417	46,953	64,637

Source: Gish (1968).
(-) Minus sign denotes net outward movement

The complaints about a colour bar in the armed forces were being heard in 1939 and the reluctance to employ Black troops in Europe caused resentment. But they as well as the Sikhs from the Indian subcontinent managed to enter the RAF as air crew and ground crew though their entry into armed forces did not end racial discrimination (Holmes 1988: 168) and feelings of isolation and alienation. Once war was over and the threat of Nazi occupation passed, the British official celebration of a popular struggle against fascism by 'all the peoples of the Empire' began to fade and the rhetoric of race and class began to creep back (Taylor 1993: 97).

II.7. Immigration during the Post War Period

Since the post world war period started the real increase in the numbers of immigrants of various nationalities coming to Britain, substantial of them were from the New Commonwealth (See **Table II.1**). The table shows that the period 1955-62 is marked by a preponderance of West Indian immigration comparing the total immigration from the New Commonwealth. But the period from 1963-67 witnessed the increased arrival of Indian immigrants whereas the numbers from West African territories amounted to a few hundreds. Another noticeable feature is that the period 1960-62 saw a sharp increase in total New Commonwealth immigration to beat the upcoming ban in 1962 but afterwards decreased to an extent.

In the immediate post war years, the reconstruction of British economy needed an additional labour force resulting in an unrestricted immigration policy and the state had to recruit workers to assist the reconstruction of the British economy. In the past also, Britain had drawn much of its labour from Ireland and the post war years witnessed a continuation of this dependence. Owing to the unrestricted movement of population between Ireland and Britain and the continued element of transience among the Irish, the absolute number of Irish reached levels which had not been witnessed since the nineteenth century. In 1951, census there were 7,16,028 Irish where as in 1961, it was 9,50,978 and in 1971, it was 9,57,830 constituting just under 2 per cent of the total population of Great Britain (Holmes 1988: 216). In England and Wales, majority of them were from Irish Republic and they continued the feature of spatial concentration in London and West Midlands. By 1971, settlements in the riverside areas disappeared and 40 per cent of the Irish lived in seven boroughs — Camden,

Kensington and Chelsea, West Minster, Islington, Hammersmith, Brent and Ealing and were faced with the growing problem of homelessness in Britain (Halsey 1988: 574). They were predominantly young, unmarried, unskilled and semi-skilled workers.

The push factors were the economic pressures in the Irish Republic and a high rate of population increase, adverse technological impacts upon small farmers together with the pull factor of the demand for labour in Britain to rebuild the war damaged cities and Britain's better social security schemes. The differential wages between skilled and unskilled workers were greater in the Republic than in Britain and the pay of the unskilled in Britain was greater than Republic fuelled the immigration. The dismantling of entry controls which had been established during the Second World War in 1946-47, the less adventurous and less uncertain journey because of the geographical proximity of the two countries, the relaxed moral and social code that prevailed in the post war Britain, the uncertainty experienced by religious minorities in both North and South, the quasi-oriental attitudes towards women in the rural areas of the Republic and personal decisions to emigrate encouraged by the friends and relatives already emigrated were another reasons. The existence of a well established Irish community infrastructure also offered prospects of support for the new comers. Following the end of the Second World War, 80 per cent of the total immigrants from Northern and Southern Ireland arrived to Britain. Together with this large inflow, the phenomenon of increased return migration from Canada and Australia to Britain during the 1960s was also a noteworthy feature, which added up to the demographic pressure of the country (Richmond 1968: 263).

a) Europeans

During the immediate post war years, the POWs and the refugees were repatriated together with the earlier American service men who returned to their countries; though some remained. Some 15,700 Germans and a thousand Italians remained to work as civilian employees in agriculture returned by 1949. The married women and elderly persons were leaving their employment which they had taken up at a time while the men were at the war front. In this situation of acute labour shortages, the government took steps for the resettlement of Poles in Britain through the Polish resettlement corps in 1946 and their needs were met under Polish Resettlement Act of 1947. In 1948,

most of the Poles who were resettled came from Africa and West Asia and many were European Volunteer Workers (EVWs). The fundamental influence of the official policy of resettlement was the economic need for additional workers. As a result, a policy of severe restriction was replaced by a positive immigration policy. These Poles were predominantly men and concentrated mainly in London, Lancashire, Bradford, Wales, and Edinburgh. These Poles who stayed at the end of the war constituted the core of the present day Polish community. Over the years some people from Poland joined them who had relatives or friends living in Britain. In 1931, it was estimated that there were 44,462 Polish born people in Britain where as in 1951, it was 1,62,339. A decrease can be noticed during 1961 and 1971, the figures being 1,27,246 and 1,10,925 respectively (Holmes 1988: 216). Likewise, Latvian and Ukrainian refugees among other nationalities chose to stay in Britain after the war (Oakland 2006: 60).

Britain pooled labour from various sources including the displaced persons, POWs, concentration camp victims, East Europeans fleeing the Russians and accompanying Germans on their retreat westward, forced and voluntary labourers, Spanish Republicans driven out of Spain when Franco came to power in 1939 and under various schemes of EVWs.[25] The resettlement of the Poles and the recruitment of EVWs did not exhaust the army of workers drawn from Europe. The Italian born population of Britain, for instance, expanded from 38,427 in 1951 to 87,243 in 1961 and 1,08,985 in 1971 (Holmes 1988: 213-214). Some of these Italians came as a part of official recruitment schemes and 1956 was the peak period of migration. During these years the dominance of traditional male workers disappeared as women came to

[25] The Balt Cygnet Scheme of 1946 recruited single women of Latvia, Lithuania and Estonia, who were confined in the camps in the British zone of Germany, mainly took up working sanatoria and tuberculosis hospitals. The Westward Ho Scheme of 1947 recruited men and women of Baltics and Ukraine from camps in the British zone of Germany and Austria and later displaced people of all nationalities from all three western zones concentrated in a number of industries where labour was short. Other groups imported to Britain were 10,000 single German women and widows under the North Seas Scheme and 2,000 single Austrian women and widows under the Blue Danube Scheme and 5,000 Italians of both sexes and were recruited on two year contracts. Before 1950, there were also four additional recruiting schemes which brought a number of alien workers who were not included in the category of European voluntary workers including the one which deals with the recruitment of Belgian building workers, Belgian female domestic workers, Italian foundry workers and German scientists. In 1947, the British government imported 8,397 Ukrainian POWs from camps in Italy out of which 530 were placed in employment and assumed civilian status to replace the returning Germans POWs employed in agriculture. At first, except in the case of the Balt Sygnet Scheme, it was possible for European workers to bring in their dependents which resulted in an increase in the alien born population. However, after 1 July 1947 concerns about housing shortages led to recruitment being restricted to single persons (Cheetham 1972: 484). In 1939, there were 2,39,000 aliens in Britain where as by 1950 this figure was swelled to 4,29,329.

work in various industries and hospitals. A large number of Italians arrived from the southern part of the country from areas such as Sicily, Campania and Calabria due to the prior knowledge, personal preference, prospects for employment in Britain and the problems of poverty, over-population and unemployment in the southern Italy and it followed a pattern of chain migration. They settled in Bedford, South East England. A phenomenon of reverse migration was seen after 1969 due to the relative deterioration in British economic prospects, the consequent reduction in employment opportunities, the availability of work in Northern Italy and neighbouring countries such as Switzerland and West Germany and the maturation of the migration stream in the sense that a number of Italians had been long enough in the country to accumulate sufficient resources with which to establish themselves in Italy.

In addition, before any significant transference of workers and their dependants took place from the Indian subcontinent, a small group of 2,000 Baghdadi Jews, fearful of the consequences of Indian independence came to Britain (Holmes 1988: 210). The refugees in the course of Hungarian uprising, approximately 14,000 also entered Britain. There were also an increase in the size of Maltese, Greek and Turkish Cypriot minorities during the same period who were mainly young men concentrated particularly in London, Birmingham and Manchester. In 1971, the Cypriots were the most highly segregated immigrant group in London (Peach et al. 1988: 596). There was a small French population, Turkish workers arrived during the 1960s and Australians together with a number of political refugees.

b) Filipinos

The number of Filipino immigrants in Britain has increased significantly during 1970s though they remained relatively smaller in size. According to Home Office statistics, there were approximately 8,000 in England, mainly nurses, hospital orderlies, hotel maids, waitresses, domestic helpers and mill and textile workers and a majority among them were women between ages 21 to 35, working in blue collar urban jobs (Almirol 1979: 3). Men were engaged also mainly in low income, low status and low skilled jobs. They came to Britain to improve their economic condition and were recruited by employment agencies which were approved and encouraged by the Philippine Department of Labour. Their small numbers prevented them to be seen as a

community and their lack of political clout had encouraged a dismissive attitude towards their problems. The real roots of their problems lied in the attitude the native British population had towards them and their immigration to Britain had been virtually stopped later.

c) Arabs

The Arab migrants in Britain were drawn in mainly from two regions in the Arabian peninsula, namely, the Aden Protectorate and the Yemen. The Yemenis, who formed the largest single group among the Arab migrants, were drawn from the Southern Highlands of the Yemen.[26] Many of these migrants settled down, married locally and formed communities at places like Liverpool, Manchester, South Shields, Hull, Cardiff and London (Dahya 1965: 177). They lived a communal life and shared a common cultural tradition with their fellow countrymen and as fellow villagers they performed certain religious activities and shared common traditions and economic conditions, a common historical background and descent. They had retained their ties with their families and villages of origin and would send money home regularly. The motive for migrating to Britain was to improve the standard of living of the migrant's father's extended family and not merely that of his nuclear family. The migrant came to Britain partly with the help of his father and the latter's kinsmen and partly with the help of a sponsor in Britain who could be an agnatic kinsman, an affine, a cognate or a neighbour's son.

A majority were employed as labourers and unskilled workers, with a few in semi-skilled jobs such as grinders or polishers. At home, the migrants used their dialect of Arabic in their everyday conversation and wore their traditional dress and their houses had a private masjid or a room set aside for prayers which also served as a centre of social and recreational activities. The already established Yamanis migrants visited the

[26] The Arab migration to Britain goes back to the period following the First World War when many Arabs took up employment as stokers and donkey-men on British vessels calling at Aden and various Red Sea ports. Some of the later migrants who came to Britain during the 1945-50 periods founded the community discussed here. As seamen they had lost considerable time waiting to sign on to vessels at various seaports and so decided to switch over to employment in industry ashore. This was the period following the Second World War when there was full employment, and this regular employment with better wages plus overtime, bonuses and better working conditions offered them economic and social stability which as migrants they had previously not experienced. The Yemeni community then consisted exclusively of men between the ages of twenty three to about forty five years, a majority of whom belong to the twenty five to thirty age groups. Most of the now older men had previously worked as seamen and included some of those who were among the first to move into the city (Dahya 1965: 181).

newcomers from their village, helped them to find job and accommodation, and gave financial assistance until they settled down. Their adherence to culture helped to maintain social control and create an in-group morality among them. Their highly ritualised behaviour in Britain was an adaptation of the pattern which obtained, albeit in a different context, in their villages of origin where almost all individual's roles were inclusive within his community (Dahya 1965: 186).

d) Iranians

Same was the case with Iranian immigrants who had arrived as early as 1950s and also since the Islamic Revolution of 1979.[27] Their community life indicated that concrete necessities of surviving in a new environment offered sufficient 'ordering and clarity of goals' to naturally bind the immigrants to their own ethnic group, identity being a by-product. The self-perceptions in constructions of identity of Iranians believing themselves as the Aryan Race; and hence in their superiority to Semitic Arabs made them shape their identity accordingly. Their conditions, according to some scholars, were shaped by the changing political backdrop in Iran at the time – 'the revolution, the Iran–Iraq war and Khomeini's death, and Khatami's presidency in 1997' (Yeganeh 2007: 209-210).

e) Chinese

As a result of immigration from New Commonwealth territories, such as Hong Kong for instance, the Chinese population expanded considerably. Though the majority of the Chinese who had served on merchant ships during the hostilities were repatriated at the end of the Second World War, the small Chinese population was increased by some 500 individuals who were granted conditional permission by the Home Office to remain in Britain (Holmes 1988: 218). In 1951 census, the Chinese were 2,217 and in mid 1960s it was estimated that there were 30 to 50 thousand Chinese in Britain. In 1971 census it was estimated that 96,035 originated from China, Hong Kong,

[27] The Islamic Revolution of Iran happened during 1978 and 1979 in which Islamic fundamentalists and their supporters, led by an exiled religious leader, Ayatollah Ruhollah Khomeini taking advantages of the independence of the Shiite religious institution from the state and using the mass media effectively, harnessed the religious revival and overthrew the Muhammad Reza shah's secular monarchy and established the theocratic Republic in Iran. The new republic rejected Western influences and was guided by Shia Islamic teachings. This Revolution was the most spectacular reaction to the modernisation of the state (Juergensmeyer 2003: 35).

Malaysia and Singapore. By the 1960s there was for the first time a significant presence of Chinese families which marked a departure from the previous solitary settlement pattern. The post war increase in Chinese population derived mainly from Hong Kong due to the population pressures on Hong Kong caused by the big build up of refugees from Midland China since the communist victory there in 1949 and the economic competition in agriculture. The developments in the British society, the post war economic prosperity coupled with the eating habits of the British people demanding Chinese food also exerted an influence. The number was increased by the students and nurses predominantly from Hong Kong and Malaya and settled mainly in London, Soho, Liverpool and cities of Manchester and Birmingham. Until the passing of the Commonwealth Immigrants Act of 1962 there were no restrictions on the entry of Chinese from the Commonwealth. Indeed, by 1971, there was some re-immigration from Britain to the new European frontiers.

f) Afro-Caribbeans

Post war public attention focussed mainly on those who came from the Caribbean and Indian subcontinent. Despite them, the African population also increased after the war including the African students. They settled mainly in Stepney, Liverpool, Tyneside, and Sheffield. West Africans who came as contract workers during the war decided to stay once the hostilities were over. However, the starting point for the post war immigration form the Caribbean came on 8 June 1948 when the ship *SS Empire Windrush* reached the port of Britain (Holmes 1988: 220) with both men and women from West Indies. For them it was 'coming home' since they were citizens of the British Empire and Britain was their 'Mother Country' (Taylor 1993: 90). Their movement was related in part to the underdevelopment of British territories and the consequent emigration by the surplus labour there coupled with the labour demand in Britain. Furthermore, entry into the US was curtailed by the 1952 McCarran-Walter Act[28] which limited the number of immigrants from the British West Indies to 800 per year of whom only 100 could be Jamaicans and thereafter migrants had increasingly come to Britain (Allen 1971: 36). Influenced by the developments in the British politics, during the 1950s, the West Indians enjoyed a prescriptive right of re-entry

[28] West Indians under this Act were recruited to work in farm employment in the US for short contracts only. Several thousand such workers were recruited each year under the supervision of an official government agency (Allen 1971: 36).

into Britain which was guaranteed by the British Nationality Act of 1948. In 1961, 'to beat the ban' of any forthcoming legislation, an intentional movement resulted in an increase in immigration which fuelled the campaign against unrestricted entry from the Caribbean and the Indian subcontinent.

The movement of West Indians to Great Britain was dominated by conditions in Great Britain rather than in the West Indies (Peach 1966: 162). The movement of West Indian migrants to Great Britain showed sensitivity to economic conditions here, not only from quarter to quarter and year to year but from island to island, and in the composition of the migrant body (Peach 1965: 36). In 1961, before the enforcement of the Commonwealth Immigrants Act, the employment index declined slightly but immigration from the West Indies showed a great increase caused by a large increase in the number of women and children. The other predominant factors affecting the distribution of West Indians in Britain were the economic conditions of Britain, the demand for labour, the contacts with already established immigrants and are predominantly men joined by dependent women and children later together with the high population density in West Indian islands and the government sponsored emigration scheme in Barbados, for instance. Since 1964, the bulk of new immigrants from the New Commonwealth had been women and children. In Britain the distribution was roughly 60 percent women to 40 percent men for West Indian sects and the reverse for African sects, as per the Home Office Statistics of Immigration in 1969. It could be noted that the immigration of West Indian women to Britain began three or four years before that of Asian or African women, and by the time the controls of the Commonwealth Immigrants Act 1962 came into force, women already accounted for more than half of the net annual inflow of West Indians (Hill 1971: 235). The West Indian male immigrant suffered a higher degree of loss of personal status than women. Most women's occupations in working class West Indian society were confined to a fairly narrow range of domestic skills which were generally very poorly rewarded. Any industrial employment they obtained in Britain, therefore, represented a relative rise in status. The men on the other hand, except those from purely peasant farming backgrounds were more likely to suffer a loss of status due to the lower evaluation of their skills in Britain (Hill 1971: 236).

In 1963, there were about 18,000 African students in Britain,[29] both private and government sponsored students, and only a small proportion of these were women (Animashawun 1963: 38). Their first problem was colour prejudice and accommodation and most suffered painful embarrassments on account of the colour of their skin while their search for the same. Most stayed in parts of London where 'coloured' people had concentrated and never had the chance to visit English homes during their stay in Britain. There was a belief in Britain that Africans were lazy people by nature and most of the time too busy feeling superior to their tasks and their workmates (Animashawun 1963: 43-44). It was a notorious fact that most African students had a great desire for English girls and considered it as a novel experience and a matter of pride which gave them self confidence (Animashawun 1963: 46). Friendship between races was rare and though London was a crowded metropolis, some of the African students were among the loneliest people in the world with high cases of mental problems and suicides among them. In their homeland they were the educated elite but in Britain they found that their educational status was not high, because of the discrimination they were forced to live in the deprived, predominantly Black areas of the city and because of their skin colour they were simply classed as 'coloured' and therefore of a low status (Hill 1971: 233).

g) Indians and Pakistanis

The other major movement was the arrival of workers and their dependants from the Indian subcontinent. The partition of 1947 also perpetuated the flow of population from both communities -- Indians and Pakistanis. It was a time when the British economy was desperately short of skilled and semi skilled labour for the post war reconstruction. The post war period saw the largest wave of immigration to Britain and after 1955, immigrants from India and Pakistan began to enter Britain in increasing numbers (Allen 1971: 37). The major characteristics of immigrants from India and Pakistan to Britain was that they were visibly different from natives, their first

[29] The African rush for education in Britain was due to the realisation among the African students that nearly all the present leaders of their countries were modelled in Britain and as a status symbol. Also, Africa was undergoing a renaissance and as the nations attain statehood educated Africans are in great demand to take up responsible appointments. They took up courses which cater for the immediate needs of the emerging nations of Africa like law, medicine, economics and engineering and women were predominantly nurses and secretaries and few in academics. In all African states education was expensive and therefore it was only within the reach of the economically privileged minority (Animashawun 1963: 38).

language was not English and they also, as a group, had very different religious and cultural traditions (Cochrane and Stopes-Roe 1981: 176).

Though India was directly under the British administration for nearly two centuries there was very little migration to Great Britain during the pre-independence period. The imperial tone and the racial prejudices of the Britishers stood in the way for any kind of migration from India. A few students and businessmen were the only people who migrated to Britain in the first instance. During the early decades of the twentieth century a few professionals were added. Migration to Britain received a boost with the induction of some Sikh soldiers for service in the country. Following the Second World War, a number of POWs from the Japanese occupied territory were brought to Britain adding to the already existing number; however the majority of people arrived during 1950s and 1960s. There were links established during the long years of colonial and imperial rule which encouraged the movement. Furthermore, the process of movement was facilitated by business interests such as travel agencies which stood to profit from it. During 1950s, majority of Indians were of Sikh origin who came mainly from Eastern Punjab; and Hindus from Gujarat and a small number of Muslims and Parsees also came in; often this diversity in religion and custom was unappreciated by the British. Subsequently, a substantial number of professionals and a few Punjabi workers of different categories also migrated to Britain in the wake of labour shortage experienced during the post war period. The impact of both high fertility and family reunification was evident in the fact that Asian minority has grown from 546,000 in 1971 to 1,054,000 in 1981, the figures included the East African Asian who joined the already existing community (Halsey 1988: 590-591).

Majority of Pakistanis came especially from Mirpur and Sylhet. They were predominantly men from rural background with a low level of literacy. Poverty, poor quality of land and limited industrialisation of the country and the developments like partition resulting in the refugee influx of the so called *Muhajirs* who crossed from India to Pakistan; the constructions of Mangala dam in the 1960s in Mirpur etc. added pressure while the developments in Britain, increased employment opportunities, improvement in communication and the strength of kinship and friendship resulted in a pattern of voluntary chain migration (Halsey 1988: 590).

Both the communities had some aspects in similar. They moved to areas were labour was in short supply either because the local population was leaving due to the type of work on offer, or because of the rapid expansion of certain industrial sectors which created a demand for labour and concentrated in Greater London, West and East Midlands, West Yorkshire and Bedfordshire and found accommodation in private rented sector due to the housing crisis. The major characteristics were a desire for community cohesion and family reunion. The Asian immigrants to Britain were disadvantaged because of racial status. The minority ethnic status was often accompanied by poorer and more expensive housing, poorer jobs, lower pay, fewer prospects for promotion and greater disparity between education and occupational attainment, although a vast majority of immigrants had seen their material status improved since migration. Indian immigrants seemed to have adjusted to life in Britain more rapidly than do Pakistanis and had a greater commitment to remaining in Britain (Halsey 1988: 590-91). The improvements in living standards, relative success on arrival plus extensive social and family support systems had definitely produced a positive impact. Indian immigrant women were rarely the prime migrants but more often accompanied men as wives or daughters but an exception was the nurses[30] and others related to medical profession.

h) East African Asians

The real beginning of migration of people of Indian origin started with the arrival of ethnic Indians from West Indies during the middle of the twentieth century. When British colonies like Kenya, Tanzania and Uganda attained independence, a good number of ethnic Indians who had settled there earlier were compelled to migrate to Britain because of the hostile attitudes of the natives towards them. The East African Sikh settlers in Britain mostly referred as twice migrants, who arrived from the mid 1960s onwards, were twice removed, having left the Punjab during the early part of the twentieth century as indentured labour to build the Kenya-Uganda railway and thence to Britain in the 1960s, having been seriously affected by post independence

[30] Britain was highly dependent on international nurse migration from developing countries. A significant increase in the numbers of qualified nurses and midwives had seen between 1999 and 2004 in Britain. In London overall, 25% of the nursing workforce was internationally recruited. Between 2002 and 2006, almost 60,000 international nurses had registered with the Nursing and Midwifery Council. This represented 4 in 10, i.e., 40 percent of all new nurses registered to practice in Britain (Denton 2006: 77S).

Africanisation policies (Bhachu 1985: 3). The exodus of people of Indian subcontinental origin from Uganda which happened in 1972 had followed the same pattern as the movement from Kenya. Increased pressure from East Africa caused the British government to double the number of entry vouchers available to British passport holders in East Africa. A further special quota of 1,500 was offered in the latter half of 1971, in response to steadily increasing pressure. When the expulsion was announced in August 1972, it affected Ugandan residents of Britain or one of the countries of the Indian subcontinent. As the crisis deepened, around 29,000 Ugandan Asians arrived in Britain, the majority of whom were people who held British passports issued by the colonial government of Uganda (Spencer 1997: 145). The effect of the Ugandan expulsion, added to the continuing movement of Asians from other East and Central African territories and the migration of the dependents of settlers from India, Pakistan and Bangladesh, gave the figures of Black and Asian Immigration of 1972 a boost just before the impact of the Act of 1971 began to be felt (Spencer 1997: 145-146). At the beginning of the 1970s the Caribbean community was the largest single group, making up about half of the Asian and Black population. By 1981, the Indian population had overtaken the Caribbean, and the total South Asian population was heading quickly for a figure doubles that of the West Indian community (Spencer 1997: 146).

II.8. Immigration during the Post Cold War Period

Between 1991 and 2001, half of Britain's population growth was due to immigration discussed in **Table II.2** below.

Table II.2 Change in the Britain Population, 1971-2001

Change in the Britain Population, 1971-2001					
1971 - 1981		1981 - 1991		1991 - 2001	
	%		%		%
991,010	1.89	1,338,474	2.5	2,214,587	4.03
360,371	15.07	402,245	14.62	1,147,905	36.4

Source: BBC (2005).

In Britain, by the beginning of the 1990s primary immigration had virtually ended (Kelly 2003: 37) but the arrival of refugees continued. For the first time since the Second World War, there was a large scale movement of refugees within Europe as a result of the breakup of Yugoslavia. As a part of this larger movement groups of Bosnian refugees arrived in Britain under the United Nations High Commissioner for Refugees (UNHCR) programme known as the Bosnia Project[31] in December 1992. Unfortunately, the conflict in former Yugoslavia lasted several years and the majority of those admitted to Britain under temporary protection measures remained in Britain itself. The majority of people who arrived on the programme were Muslims, although there were some Serbs, some Croats and some of mixed background. Bosnians in Britain have a much smaller circle of friends than they had in Bosnia and they often said that their closest friends in Britain were those who had been their friends before the war (Kelly 2003: 45). In addition, the allocation of individuals to the housing cluster areas was based upon logistical and policy considerations rather than existing friendships or relationships. Though they established formal community associations gradually, in spite of the fact that they had widely different class, economic and educational backgrounds and came from different regions of Bosnia, they did not have the characteristics of a community. Instead it was an artificial construction in response to the British social policy which placed prominence upon the community structure to render the services and benefits and to the external forces within society, such as racism and discrimination (Kelly 2003: 41).

Britain's entry to the EU made the country responsible to ensure the right to free movement of people, one of the Four Freedoms of the EU.[32] Inflow of the EU citizens, excluding the Irish citizens, in 1993 and 1994 were 23,000 and 29,000 respectively while in 1995 the figure jumped to 41,000 and in 1996 it was 52,000 (Koser and Salazar 1999: 326). In 2002, 4.5 percent (2.68 million) of the population of Britain

[31] Britain responded to the rising numbers of asylum seekers by introducing visa restrictions in November 1992. This effectively ended legal entry to Britain for refugees from former Yugoslavia. However, under pressure from UNHCR, the government agreed that it would accept a quota of refugees and a programme was established for their entry to Britain with the status of temporary protection. This became known as the Bosnia Project (Kelly 2003: 37).

[32] One of the great achievements of the EU has been to create a frontier-free area within which (i) people, (ii) goods, (iii) services and (iv) capital can all move freely within the internal market of the EU. This four-fold freedom of movement is sometimes called "the four freedoms". For more details, see EU official website at http://europa.eu/abc/eurojargon/index_en.htm.

were foreign nationals (OECD 2003: 350). After the enlargement of the EU on 1 May 2004 to 25 members, Britain accepted immigrants from CEECs, Malta and Cyprus, although the substantial Greek and Turkish Cypriot and Maltese communities were established earlier through their Commonwealth connection. By far the most popular destination for new member states immigrants is Britain factors being the income differentials and a favorable labour market (Barrel et al. 2007: 3). There were restrictions on the benefits that members of eight of these accession countries could claim, which were covered by the Worker Registration Scheme (WRS). In 2004, a record 340,000 legal migrants came to fill the vacancies in the job market, covering the hospitality and catering industry, transport, health sector and teaching (Oakland 2006: 63) out of which about 130,000 were EU workers and the estimates suggested that Britain was the favourite destination for workers from these states, largely because the British government had introduced liberal employment rules for new EU workers to plug what it says were labour shortages in a strong economy. It has been estimated that in 2001 7.5 percent of people living in Britain were born abroad (See **Table II.3**).

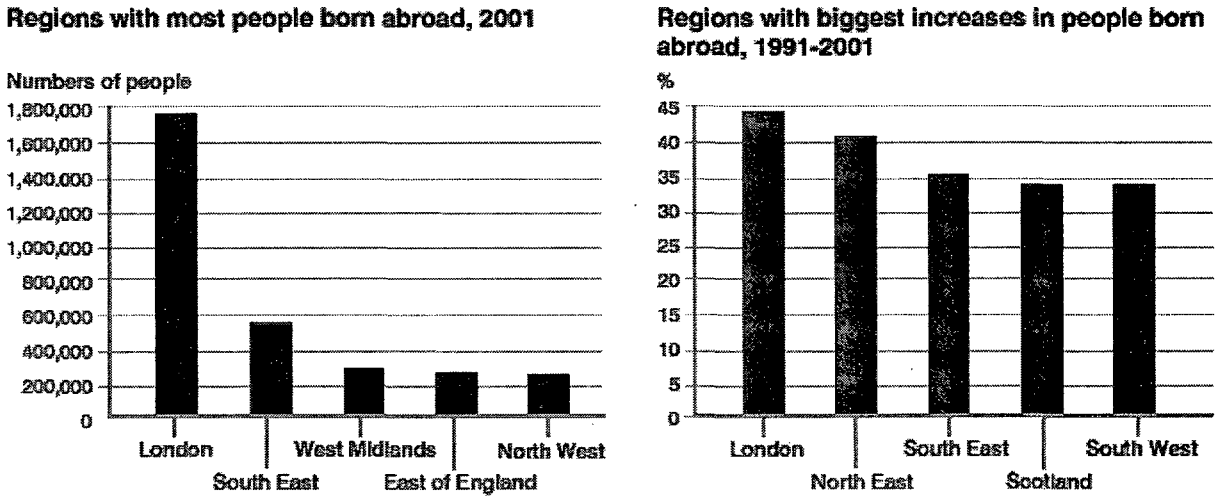
Table II.3 Population Composition in Britain, 1971-2001

Population Composition in Britain, 1971-2001				
Year	**1971**	**1981**	**1991**	**2001**
All People	52,559,260	53,550,270	54,888,744	57,103,331
People Born Abroad	2,390,759	2,751,130	3,153,375	4,301,280
People Born Abroad as % of Total	4.55	5.14	5.75	7.53

Source: BBC (2005).

They settled mainly in London, the South East and other major cities. London had witnessed the largest numbers of newcomers, but many areas around Britain had witnessed a greater rate of change because they may have had few or no non-British born residents until recent years (See **Figure II.1**).

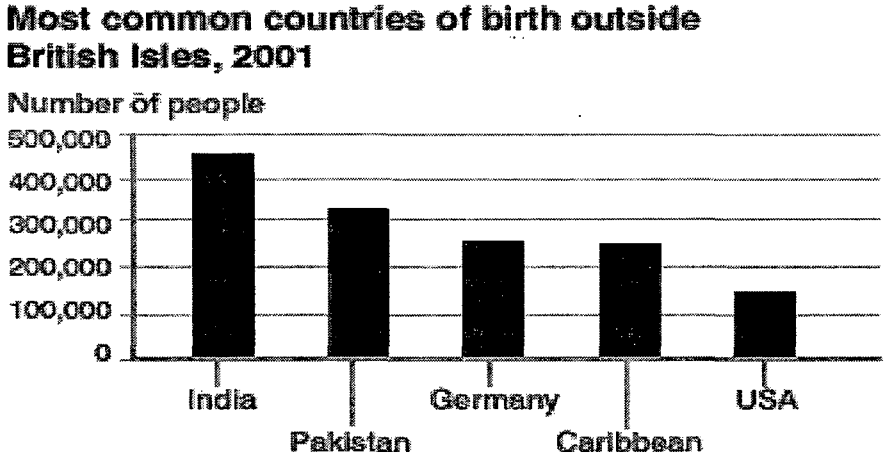
Figure II.1



Source: BBC (2005).

Figures from the Office of National Statistics of Britain indicate that the largest number of migrants to Britain in 2001 was from India followed by Pakistan, Germany, Caribbean and USA (See **Figure II.2**). The colonial connection between Britain and India has contributed to the evolution of an Indian community in Britain comprising of all sections of the people. Presently, Indian professionals have clearly taken a substantial lead over others in taking up especially IT jobs in Britain (BBC 2005).

Figure II.2

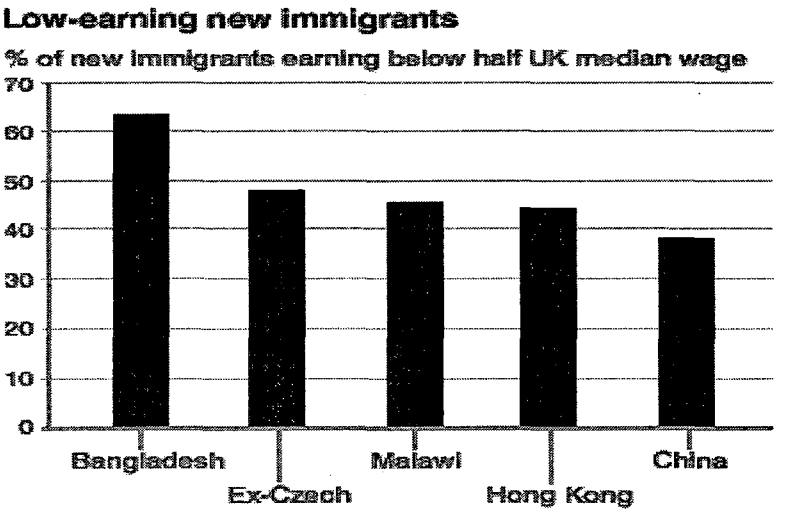


Source: BBC (2005).

Crucially, migrants, as always, have been allocated in poorly paid jobs - indicating how demand for cheap labour plays a key role in migration economics and there is a wide disparity

in performance between and within nationalities (See **Figure II.3**).

Figure II.3



Source: BBC (2005).

Figures published in the Home Office quarterly statistics of August 2007 on the number of applications to the WRS indicate that 682,940 people applied to the scheme between 1 May 2004 and 31 June 2007, of whom 656,395 were accepted. Self employed workers and people who are not working, including students, were not required to register under the scheme so this figure represents a lower limit on immigration inflow. Figures show that there was a net inflow of 64,000 people from the eight CEECs in 2005. Poles that make up the majority of those registered with the WRS currently represent a substantial proportion of the population of some British cities. As per the Government announcement, same rules would not apply to nationals of Romania and Bulgaria (BBC 2008). Instead, restrictions were put in place to limit migration to students, self employed, highly skilled migrants and agricultural workers. Statistics released by the Home Office indicate that in the first three months of Romania and Bulgaria's EU membership, 7,120 people including family members from the two countries successfully registered on the various schemes. Between April and June 2007, a further 9,335 Bulgarian and Romanian nationals had their applications granted. This includes those registering as self employed and self sufficient. An additional 3,980 were issued cards for the Seasonal Agricultural Workers Scheme (SAWS) (Home Office 2007). According to an August 2008 article in the Daily Mail, England's future ethnic breakdown could be estimated from the

ethnicity of babies born in the country in 2005 who are the newest generation of Britons. It is thought that by the time they have grown up to a working age, up to 35percent England's population will be an ethnic minority, compared to the current 15percent. Being an EU member state, the decision taken by the EU Interior Ministers in June 2009 to take in dozens of Iraq war detainees from Guantanamo Bay detention camp (Traynor 2009) its closure had its impact on Britain also (See **ANNEXURE 1**).

II.9. Conclusion

It could be seen that Britain has been a popular destination for immigration from time immemorial. The time line could be stretch back to pre-historic era; though the inflow is not even most of the time. In the case of Britain it was more pull factors that determined the inflow than push factors of the emigrant societies. Britain being the fifth largest economy in the world has attracted all types of labour from all parts of the globe. In the early years of immigration, it was the colonial ties that played prominent role in bringing population in. They came as seamen, attendants, lascars, ayahs or students. It was a period of industrial revolution that Britain needed labour to run its factories and allied industries and the agrarian sector and the developments in the shipping industry also attracted many. In the two World War periods, the country had invited people to join its war efforts and to keep its economy moving when the native men were in the war front. The inter war period and the post war period saw the bringing in of immigrants for the post war reconstruction through schemes like EVWs. Refugees were always unwanted but at times Britain has used them also. After the formation of the EU in 1992, it became the responsibility of Britain as a member state to ensure the free entry and movement of EU citizens within its borders. Many of the EU member states are a source of labour which Britain needed, both skilled and unskilled, and hence the country presently needs only highly skilled migrants from the non-European countries.

An examination of the history of British immigration reveals that throughout the history Irish immigrants formed the substantial portion of the immigration, providing Britain with labour and services it needed and economic factors rather than geographical proximity or easy access was the cause of migration. Other European continental groups were Italians, Central and East Europeans like Lithuanians and

European Jews from Germany and Poland, for instance, were refugees rather than economic migrants in the true sense. Though the Arab immigrants were visible since the nineteenth century it was after the 9/11 and the London blasts of 2005 that they received attention and they were often equated with Muslim fundamentalism, Islamic terrorism and suspicion. The Chinese, including those from Hong Kong and from Philippines, were yet other groups. The so called 'coloureds', Africans, Caribbean and those from the Indian subcontinent also formed a large part of the immigrant population in Britain. The Asian and Black immigration to Britain was one which the British government did not welcome at any stage, but was unintended, unwilling and then unable to prevent.

The minority ethnic groups were initially labour migrants and followed a pattern of chain migration in which the newly arrived followed the path of earlier migrants. Immigrant women were rarely the prime migrants but more often accompanied men as wives or daughters. Though the immigrants largely adjusted to the new environment, there was no assimilation and they all kept their culture intact. They showed a tendency of spatial segregation pattern of settlement and attached priority to their indigenous culture and ethnicity as a response to the social exclusion and discrimination they faced in the name of race and colour in the host country. The social networks, community normative expectations and household strategies were modified accordingly to adjust with the needs of the particular immigrant community. The internal cohesion of the various immigrant groups was reinforced by the hostility they encountered in Britain. Most communities, Sri Lankan Tamils for instance, shows an interest in the political development of their home country and tries to maintain their link with the socio-political developments there (See **ANNEXURE 2**). Just as they maintained their separateness, it is alleged that the British treated them with hostility and suspicion. Any reduction in hostility by the natives towards them would result in the immigrants' greater participation in the host society and, consequently greater assimilation (Desai 1963: 148). Colour and racialism that had developed as a result of British colonial rule was often seen as the basis of all the racial riots and upsurges directed against the immigrants that occurred at various times in Cardiff, Liverpool and elsewhere in Britain.

The impact of imperialism, which inculcated a perception of White superiority and dominance and 'White Man's burden' syndrome, could have moulded the attitudes of the Britishers. Although Britain used the imperial subjects in the war, the restrictions placed on the use of Black troops revealed a racialist perspective reinforced through years of imperial control (Holmes 1988: 106). During the inter war years, race was given a social importance and used as a device to discriminate immigrants making their life difficult. Women faced double disadvantages of racial and gender discrimination. Employment, housing and accommodation were in fact areas of general sensitivity. Once they became unemployed, it was extremely difficult for immigrants to find employment often due to the hostility towards these groups. Only a small minority of them from well connected backgrounds were seen to have received better treatment. Racial difference was used by police in a way that abused civil rights and natural justice. Even though a large number of groups came in to Britain, the 'coloured' would have suffered most. Irish faced lesser discrimination than 'coloureds' and their entry was always unrestricted and even the European and Old Commonwealth immigrants were held to be better off than the 'coloureds'. While dealing with the New Commonwealth immigrants also, the British maintains a hierarchy of colour; the darker the colour the greater the exclusion, but when it comes to economic matters like employment the 'coloured' immigrants shares a common plight. They are hired last and fired first (Oommen 1997: 164).

The way in which migrants are incorporated into society varies according to which society is being examined. The British model is loosely based on notions of multiculturalism (Kelly 2003: 35) which became popular in Britain from the 1960s onwards and was adopted as the dominant political model for the incorporation of immigrants into British society. But in the overall analysis, it could be understood that Britain has been hesitant towards immigrants in general irrespective of where they were coming from, but more so particularly towards 'coloureds', because they were all together different from Britishers in every respects, whether it may physical, racial or cultural and hence it seems to restrict their entry through various immigration legislations at all times.

CHAPTER III

CRITICAL ANALYSIS OF BRITISH IMMIGRATION POLICY

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III.1. Introduction

As it is known, the most basic migration policy task of any state is to establish the terms under which persons may legally enter the national territory for long term or permanent residence and to plan and manage inflows to contribute to economic, social, demographic, and security objectives of the state by setting numerical targets as well as determining the criteria by which migrants will be selected (Freeman 1994: 19). Zolberg observed that "all the countries to which people would like to go restrict entry. This means that, in the final analysis, it is the policies of potential receivers which determine whether movement can take place and of what kind" (Zolberg 1989: 406).[1] The core theme of the British immigration policies as well is the British state's sovereign authority and capacity and the organisation of British efforts to regulate various forms of international migration at its territorial and organisational borders. It has been influenced by the volume of dissimilar immigration, foreign policy considerations, external threats, and the state of the British economy (Meyers 2004: 63) together with the pressures of various sections of the British society like public, press, political parties etc.

Britain in the past had accepted large colonial immigration which was mostly permanent immigration with a few temporary immigrants. Back in 1905, a few but insignificant controls existed over the entry into Britain of any group of immigrants. But subsequently a good volume of Acts was passed in this effect. The main objectives of the British Immigration policy have been to limit immigration for permanent settlement to a minimum, subject to the needs of the labour market and to the obligations to dependents, genuine refugees and other exceptions. Government sources routinely describe it as "firm but fair" (Coleman 1996: 195). But it has been failing in its purpose since the 1980s as the numbers did not fall which in turn resulted in more restrictive and discriminative legal measures to manage the immigration.

[1] This has been noted as well by Bhagwati who has concluded that the process of international migration is therefore characterised by "disincentives" rather than "incentives", and surmised that were socialist countries wanted to let people out, "the effective constraint on the numbers migrating would soon become the immigration legislations of the destination countries (Zolberg 1989: 406).

As per the Home Office documents of 1994, the British Immigration Policy has been aimed at (Coleman 1996: 195): (i) to allow genuine visitors and students to enter Britain; (ii) to give effect to the free movement provisions of EU law; (iii) to continue to admit spouses and minor children of those already settled in Britain; (iv) to meet Britain's obligations towards refugees under international law, while reducing the scope and incentive for misusing asylum procedures; (v) subject to the above, to restrict severely the numbers coming to live permanently or to work in Britain; (vi) to detect and remove those entering or remaining in Britain without authority; and (vii) to maintain an effective and efficient system for dealing with applicants for citizenship. These objectives remained the basis though several additions occurred from time to time to deal with particular situations and resultant necessities.

III.2. Key Elements of British Immigration Legislations

This chapter will broadly discuss various legislations (See **Table III.1**) that were passed to manage the migratory flow to Britain according to the interests of the country which was in turn shaped by several local and national factors. By analysing the determinant factors of each legislation, the study will provide an overview of the undercurrents that constructed the British Immigration Policy and how it affected the 'coloured' immigrants in particular.

III.2.1. Immigration Policy during the Eighteenth and Nineteenth Centuries

Until the early twentieth century Britain had a liberal immigration policy facilitated by limited immigration flows to Britain, relatively low unemployment rates, similarity between the immigrants and the native population and foreign policy considerations. Prior to that, the Crown had issued several decrees and commands, particularly to deport sections of people from the country[2]. Other than that, Britain had regulated immigration, in 1793 and in 1848, due to external threats. The French Revolution of 1789 could be said to mark the beginning of immigration control in Britain. In 1792, the increasing number of refugees from France combined with a wide spread Francophobia in Britain led to the passage of the Alien Bill in the Parliament.

[2] For instance, Royal decree issued by Queen Elizabeth I in 1556 to deport Black people from Great Britain read as follows: "*Her Majesty's understanding that there are of late divers blackmores brought into this realme, of which kinde of people there are allready here to maine... Her Majesty's pleasure therefore ys that those kinde of people should be sent forth of the land.*" (as cited in Joshi 2000: 3590)

Table III.1 Key Elements of British Immigration Legislations

Year	Legislations
1793	Aliens Act
1848	Aliens Removal Act
1905	Aliens Act
1914, 1919	Aliens (Registration) Acts
1920	Aliens Order
1925	Special Restriction (Coloured Alien Seamen) Order
1948	British Nationality Act
1962	Commonwealth Immigrants Act
1965	White Paper on Commonwealth Immigration
1968	Commonwealth Immigrants Act
1969	Immigration Appeals Act
1971	Immigration Act
1972	European Communities Act
1977	Immigration Rule
1981	British Nationality Act
1983	Mental Health Act, Section 86
1985	Single European Act, Section 8a
1987	Immigration (Carriers Liability) Act
1988	Immigration Act
1989	Prevention of Terrorism(Temporary Provisions) Act, Section 4-8
1990	British Nationality (Hong Kong) Act
1993	Asylum and Immigration Appeals Act
1996	Asylum and Immigration Act
2002	Nationality, Immigration and Asylum Act
2002	Highly Skilled Migrants Programme
2008	Points Based System

The Aliens Act of 1793 (Coleman 1996: 63) which was intended mainly to prevent any French Republican from entering England, also made provisions to require the ship captains arriving in Britain to give customs officers the details of any foreigners transported by them; it ordered the arriving aliens to give the customs officer an account of their personal details and rank; it enabled the King-in-Council to direct that aliens should live in specific districts and it allowed for the deportation of the immigrants who arrived unregistered and had been imprisoned under Section 3 of the Act, resulting in the flight of a small number of refugees from the French Revolution. It also stopped the exchange of visitors and speakers from France though it allowed migrants to travel freely. The Alien Office, a government department, was established to monitor the movements of aliens in Britain, issue visas to foreigners and intercept their mails during the early years of war (Mori 1997: 177). The Aliens Act was phrased as a temporary measure and was relaxed in 1802 and 1814; it was however renewed at intervals until 1926.

The regulations were further tightened in 1848 following the arrival of people fleeing from the revolutionary upheavals in continental Europe. The Aliens Removal Act of 1848 authorised the Secretary of State and the Lord Lieutenant of Ireland 'to order aliens to depart this realm' and if they refused to do so, to take them into custody until they are 'taken charge for the purpose of being sent out of the realm', marking the beginning of the detention of illegal immigrants (Schloenhardt 2003: 52). The Act of 1848 remained in force until 1905, when the provisions were replaced by the more restrictive Act in 1905 which introduced a complex system of immigration regulations, aiming at the prevention and expulsion of undesirable immigrants.

III.2.2. The Aliens Immigration Act, 1905

During the last two decades of the nineteenth century, an influx of East European Jews fearing the Tsarist pogroms and persecution resulted in the substantial increase of Jewish population in Britain demanding further restrictions on immigration. Several anti-alien organisations like the Society for the Suppression of the Immigration of Destitute Aliens, the London Trades Council and the Dockers' Union etc. voiced opposition against the immigration, but initially there was only limited support for restrictions from the official circles. Though a Parliamentary Select Committee in

1889 recommended against controls on immigration, during the 1890s the Trade Union Congress (TUC) passed several resolutions demanding the controls on Jewish immigration. In 1894 and 1898 the House of Lords approved bills to restrict immigration, though they were not passed by the House of Commons. In 1902, the Conservatives announced immigration control to be an element of official party policy although there was a clear reluctance among some Conservatives to interfere with the inflow of immigrants. The support was further enhanced by the higher unemployment rates that prevailed that time. In the same year, the government established a Royal Commission on Alien Immigration, which in 1903 recommended limited restrictions on immigration and on immigrant residence. Violence broke out against Jews in the East End in June 1903 which ultimately forced the Parliament in 1905 to pass the Aliens Immigration Act which forbade the entry of aliens who could not support themselves and their dependents.

The Act was preceded by a long debate and strong opposition towards the Act was evident among the sections of the Labour movement and the Social Democratic Federation (SDF). Moreover, the Act was administered in a liberal fashion by the Liberal government that came into power the following year of its passing. The result was that the 1905 Aliens Act passed by the Conservative government was only a muted measure of control (Schloenhardt 2003: 67).

III.2.3. The Aliens (Restriction) Acts, 1914 and 1919

The First World War fears led to the Aliens (Restriction) Act of 1914 which was much tougher than the previous Act and gave the Home Secretary powers to prohibit the entry of immigrants and to deport them. For the first time, under the Act, all aliens had to register with police. The main purpose of the Act was to secure the detention and removal of spies. Though it was considered as a temporary measure to deal with the war time emergency, it was subsequently reaffirmed and extended into peace time by the Aliens (Restriction) Act of 1919. The main features of the 1914 and 1919 Acts and the subsequent regulations were that the immigration officers could refuse entry to aliens, and the immigrants without visible means of support could only stay for a short period in Britain unless they secured a work permit issued by the Ministry of Labour. This forced the seamen, most of them were 'coloureds', to register themselves as

aliens or otherwise could be refused entry if they could not produce documentary evidence of his national identity. The justice for this restrictive policy was the fears of a repetition of the outbreak of inter-racial violence that had occurred early in 1870s and later in 1911 and 1919 in several immigrant centres of Glasgow, Birmingham, Cardiff, Liverpool, South Shields, London, Barry and New Port, which resulted in deaths and serious injuries of many.

The main reasons for the disturbances were the war time disruption of the economy, the strains imposed by the rapid demobilisation, the decline of the British merchant shipping industry, the competition for jobs and housing, and above all the official responses to the discriminatory practices the immigrants facing. The disturbances of 1919 highlighted increasing levels of 'coloured' unemployment and the prejudiced assumptions about the propensity of dockside populations to become involved in crime and violence emphasised the need to establish controls from various spectrums of authority following which the media campaigned for segregation and repatriation. The Government also preferred repatriation but the reluctance of the relevant Ministry to take up the financial responsibility and the stiff resistance of the victims compelled to look for alternatives. In 1919, local committees were formed to encourage voluntary return and the effort met with little success. The Aliens Act of 1919 limited the immigration of aliens including Chinese and such other groups but most likely, the influence of foreign policy considerations prompted Britain to exempt Commonwealth subjects and political refugees from these restrictions. The country emphasised its commitment to free migration within the Commonwealth, thus the imperial rhetoric of 'equal rights for all British subjects' and '*civis Britannicus sum*' were maintained publically (Spencer 1997: 8).

III.2.4. Policies during the Inter War Period

During the inter war years, the economic depression and the war ravaged economy prompted the British government to apply a *de facto* immigration policy whose clear intention was to keep out Asian and Black settlers. Officials admitted 'privately' that their intention was to limit the 'coloured' people settling permanently in Britain but the issues were never publically informed or debated (Spencer 1997: 8). Several secondary legislations were also passed during this period like the Aliens Order in

1920 by which the government tightened up the supervision of aliens living in Britain and further restricted the settlement of alien immigrants who were unable to provide proof that they could support themselves, though none of these provisions were applied to the British subjects. However, it could refuse permission to the 'coloured' seamen who failed to prove their British subjecthood. In 1922 and 1937, Britain signed the Empire Settlement Act which empowered the government to assist emigrants from Britain who intended to settle in any part of the Commonwealth. The object of these Acts was to encourage emigration since it would strengthen the colonial links and thereby manage the direction of migration process.

The Special Restriction (Coloured Alien Seamen) Order of 1925 which was specifically directed at limiting the increase of 'coloured' seamen and pedlars, brought them under its provisions irrespective of their citizenship, subjecthood and nationality. It empowered the police to arrest an alien without a warrant, if he failed to register with the police and not acquired an alien seaman registration certificate, a form of identity card. The procedures for obtaining the certificate was made complicated well enough for the aliens, since they had to be in possession of a recently issued passport, not more than two years, for the same. In effect, the government had designed an immigration policy that restricted the Asian and Black British subjects the right to entry for settlement in Britain. Regarding the presence of African seamen, the Home Office was of the view that 'their presence in the UK is socially very undesirable and gives rise to trouble' (Spencer 1997: 11).

The campaigns for voluntary return active in 1920s were resumed during the Great Depression of the 1930s, when job competition magnified leading to further racial disturbances in Cardiff and South Shields. This resulted in the passage of the British Shipping (Assistance) Act of 1935 under which subsidies would only be claimed by companies employing substantially British crews. Together with this, the British government imposed control through several of its overseas agencies to restrict the issue of travel documents particularly to certain classes of persons that it wished to keep out.[3] But by the outbreak of the Second World War in 1939 there emerged a demand for sailors and such others for imperial defence and allied labours in defence

[3] For instance, the Protectorate of Aden authorities were instructed not to issue the Certificates of Nationality and Identity which were necessary for travel to Britain.

industries thereby making temporary residence for wartime services acceptable. Revised instructions were issued to immigration officers to allow immigrants even if they did not have documentary proof of identity. Despite these changes, the Immigration Branch of Home Office remained hostile to the idea of unrestricted entry and permanent residence for all classes of British subjects, (Spencer 1997: 15) especially the 'coloureds.'

III.2.5. The British Nationality Act, 1948

The direction of migration changed during the Second World War though the initial assumption after the war was that migration would start from Britain to its colonies as earlier and a shortage in manpower will persist. During the war, immigrants were recruited for various war time services and the allied industries, as the native men were in the war front, which resulted in an increase in the volume of immigrants comprising of both the Europeans and the non-Europeans. British subjects from all parts of the empire remained free to enter Britain as and when they were pleased to and the New Commonwealth immigrants became the main source of migrant labour in the labour scare British economy and started spreading to inlands from the seaports and to the industrial towns of Britain. The Nationality Act passed in 1948 sought to formalize these practices. The dilemma faced by the British government was unique, as it was featured by the ever increasing need for unskilled labour due to the acute labour shortage as well as the concern on assimilating immigrants of entirely different races. But the liberal policy was not much changed since Britain wanted to retain its position in the world through its leadership of the Commonwealth. Thus, Britain's commitment to free Commonwealth migration was reaffirmed by the British Nationality Act of 1948 and by a Conservative Party policy document in 1949. Immigration policies during this period were framed and dominated by 'Open Door' policies, i.e., the idea that all British and Colonies subjects should have the right to entry, work and settle in Britain (Small and Solomos 2006: 242).

The British Nationality Act enacted in 1948[4] was considered as the legal foundation for the transformation of Britain into a multi-ethnic society, an exclusive post war phenomenon. The legislation created a legal status that included the subjects of Britain and imperial colonies under a single definition of British citizenship, and established their right to enter, work and settle in Britain and enjoy all the social, political, and economic benefits of full citizenship; thereby altering the basis of British subjecthood and nationality in a revolutionary way. The legislation was just marginally related to migration; it was rather an attempt to maintain a uniform definition of British subjecthood and the possession of identical rights and privileges by all British subjects in the Commonwealth and Empire in the face of Canada's unilateral introduction of its own citizenship in 1946,[5] and it was also a reflection of the political landscape in the late 1940s together with an affirmation of Britain's place as the head of a Commonwealth structure founded on the relationship between Britain and the Old Dominions (Hansen 1999: 67). It was estimated that due to this relatively unchecked immigration, between 1948 and 1962 approximately 500,000 non-White British subjects entered under the legislation, many of whom were later joined by wives and other dependents.

Moreover, the British government's willingness and enthusiasm for granting privileges to the Irish immigrants regardless of their repudiation of the Crown was a common feature of the post war experience. The government wished to ensure that no one in Northern Ireland would lose British subject status through the combined effect of

[4] The Bill was based on six categories of citizenship. These were: (a) Citizenship of the UK and Colonies: for the UK and non-independent countries; (b) Citizenship of independent Commonwealth countries; (c) British subjects in Ireland: although Eire chose not to participate in the 1948 scheme on the same terms as the independent Commonwealth countries (category b), citizens of Eire would not become aliens following the passage of British Nationality Act (BNA) if they had previously been British subjects. The Irish could retain their status as British subjects by making a written request to the Secretary of State; (d) British subjects without citizenship: for old Dominions without citizenship laws; (e) British Protected Persons: BPPs emerged in the late 1880s. Their status and the nature of their connection with the UK were dealt with not by the BNA, but rather by the British Protectorates, Protected States and Protected Persons Order in Council 1949. While BNA did not classify BPPs, they were treated as aliens by the Act; (and) (f) Aliens: all those not coming under categories (a-e). The six categories covered all British subjects in 1948, and their fluidity ensured that any change in citizenship status, including its loss, would not affect British subjecthood (Hansen 1999: 78).

[5] In 1945, the Canadian Prime Minister, Mackenzie King, announced his government's intention to introduce in 1946 a Citizenship Act that would define Canadian citizenship through statute and declare that all such citizens would henceforth possess British subject status in consequence of their possession of Canadian citizenship. Although such legislation hardly appears to be the basis of a constitutional revolution, it marked the end of a centuries-old definition of British subjecthood (Hansen 1999: 73).

British and Irish legislations, since this area is an integral part of Britain. More broadly, the government and many Conservative Members of Parliament (MPs) were keen to encourage ties between Irish citizens and Britain, partly reflecting enduring regret that Ireland had left the Union. There was also, naturally, a concern to ensure access for Irish workers, who had traditionally enjoyed a significant presence in the British labour market. In 1954, Henry Hopkins then Colonial Secretary told the House of Commons that

> *In a world in which restrictions on personal movement and immigration have increased we can 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* (Hansen 1999: 70).

The Bill received considerable criticism, most of which centred on its potential for introducing distinctions between British subjects and for allowing innumerable British subjects to claim without justification the right to enter Britain. The Lord Chancellor tried to reassure the Opposition that

> *The Bill does not differentiate between British subjects. It is within the competence of this Parliament and it is within the competence of any self-governing Parliament to differentiate. We can say that people who come from one part of the British Empire should not be allowed in and people from another part shall be allowed in, but in this great metropolitan centre of the Empire I hope we never shall say such a thing* (Hansen 1999: 83).

The Bill was then introduced into the House of Commons by the Home Secretary, Chuter Ede who argued that

> *The maintenance of the British Commonwealth of Nations is one of the duties this generation owes to the world and to the generations to come* (Hansen 1999: 84).

III.2.6. The Commonwealth Immigrants Act, 1962

Politicians believed that the rights conferred by the Nationality Act would only be exercised on a limited scale and nowhere in the parliamentary debate, the press or private papers were discussed the possibility that substantial numbers could exercise their right to reside permanently in Britain since the earlier experiences of immigration were that of emigration surpassing the immigration. The Nationality Act was never intended to sanction a mass migration of New Commonwealth citizens to the country and the migration of colonials was expected to be limited and temporary as earlier. No doubt, those from the New Commonwealth were viewed as qualitatively different and

hence undesirable whereas both the temporary and the permanent migration of what could be called ethnic Britons from the Old Dominions to Britain were welcomed. During the passage of Nationality Act through Parliament in 1948, the arrival of 500 Jamaicans surprised the government, and the then Minister of Labour, George Isaacs, told Parliament that

> *The arrival of these substantial numbers of men under no organised arrangement is bound to result in considerable difficulty and disappointment. I hope that no encouragement will be given to others to follow their example* (Taylor 1993: 90).

The rising concern in the Labour government and the official circles about the numbers of immigrants coming to Britain from the West Indies and the Indian subcontinent in the early 1950s, forced the Cabinet on 27 July 1949 to discuss for the first time the possibility of limiting the time-honoured principle of the right of all British subjects to enter and remain in Britain and to set up a Special Committee of Ministers to explore the means that could be adopted to check 'coloured' immigration into the country.[6] The Committee of Ministers' work was initiated, after the Griffiths Memorandum submitted on 12 January 1951 recommended against control taking into account Britain's special status as the 'Mother Country'. Although the Cabinet was inclined to limit the colonial immigration, this inclination was checked by a moral commitment to preserve the content of British subject status. In careful language, it stated that 'serious difficulties' would result if colonial immigration continued, and controls would likely be necessary. As per the Cabinet, 'we are in little doubt that some form of control over 'coloured' immigration will eventually be inescapable. We consider the balance of advantage lies against taking steps to impose this control at the present time' (Dean 1993: 57).

[6] There were strikes, and it was feared that British subjects were taking advantage of the fact that they could not be deported. The issue came before the Cabinet periodically between 1949 and 1950. On 20 March 1950, James Griffiths, then Colonial Secretary, was invited to submit for Cabinet consideration a memorandum on the problems arising from the immigration of 'coloured people', other than students, from the West Indies and other territories. Griffiths reported on 18 May 1950, and the Cabinet decided on the basis of his report to set up a Committee of Ministers, chaired by the Home Secretary, James Chuter Ede, to explore the means that might be adopted to check 'coloured immigration' into the country. The Griffiths Memorandum and the Committee's Report revealed the approach and attitude among Labour politicians which was remarkably similar to those of subsequent Conservative governments and highlighted the differentiated nature of British politicians' commitment to the British subjects' right of entry (Dean 1993: 56).

In 1954, Churchill's Cabinet invited the Home Secretary Lloyd-George and the Colonial Secretary Lennox-Boyd to prepare a Draft Bill restricting immigration, which was to be designed to limit the entry of colonial and New Commonwealth immigrants; any control on Old Dominions' citizens was viewed as intrinsically 'undesirable' and was seriously considered placing it before Parliament. The evidence from these deliberations confirmed that the attachment of British politicians was fundamentally to the Old Commonwealth; New Commonwealth immigrants were accepted, but only in so far as they contributed to a broader structure of subjecthood in which the Dominion's citizens were the key actors. Hence, in practice, British Immigration Policy operated in an informal and invisible way that was intended to make it difficult for the Asian and the Black subjects to settle in Britain; which was guided by the undesirability of the settlement of physically and culturally distinct groups (Spencer 1997: 21). British government throughout the history adhered to a radically discriminatory immigration policy motivated by a racist desire to exclude the non-White immigrants from British society (Hansen 1999: 69).

Following the Notting Hill riots in 1958, the issue became even more politicized and racialised, and the concern was focused not only on the problems caused by 'too many 'coloured' immigrants' in relation to housing, employment and crime, but also on the effect that Black immigration would have on the racial character of the British people. The attacks by the Whites against 'coloureds' were explained in terms of the number of 'coloured' people and the proposed solution for these problems was to restrict the migration of New Commonwealth citizens. From this point on, the control of migration became a significant and continuing issue for both Labour and Conservative governments. The initial response of the Commonwealth Office was to instruct colonial governments to use informal methods to discourage immigration than any concrete legislations to be enacted, fearing the loss of high held values of British subjecthood and '*civis Britannicus sum*'. This involved warning prospective immigrants of difficulties they would face in finding accommodation and employment in Britain and withholding passports from those who lacked the funds for the passage or were deemed unsuitable for regular employment. The information given to would-be immigrants was distinctly discouraging like extreme cold winters, unsatisfactory employment, poor accommodation prospects and even the peculiarity of English

customs. Attempts were made by dubious administrative devices to 'weed out' criminal elements and 'undesirables'.

The governments of the 1950s have been accused of remaining inactive in providing the provision of resources and initiatives to settle new groups in the country and it was argued by the government departments that any legislation against acts of racial discrimination was unenforceable and the needs of these groups for social centres, advisory agencies and, above all, housing trusts were often neglected. All these activities were prompted by the fear that any kind of support provided would encourage more immigrants to arrive. It was argued that 'as long as immigration remained unrestricted, the use of public funds for that purpose could only serve as an added attraction to prospective immigrants and would frustrate the efforts we were encouraging Commonwealth and Colonial governments to make to reduce the rate of emigration from their territories to the UK' (Hansen 1999: 59).

A powerful suspicion of 'coloured' immigration was to be found in both parties. The Labour, despite its professed commitment to multi-racialism abroad, was no less apprehensive than the Conservatives about the prospect of large scale colonial immigration to Britain. It might be the public hostility and the subsequent political pressure that made both the Conservative and Labour parties who cooperated in constructing a liberal system of nationality law from which they so quickly distanced themselves. The only postponement to a real restrictive legislation was due in part to legal and moral difficulties associated with restricting the entry of Commonwealth citizens to the 'Mother Country'. But the tradition of '*civis Britannicus sum*' was abandoned by 1962 with the enactment of the Commonwealth Immigrants Act by the Conservatives. According to an Office of Information document in 1962, 'it became necessary to regulate entry in order to ensure that immigrants were admitted at a rate which the country had the social and economic capacity to absorb'.

Thus the Act[7] was passed after much deliberation in 1962 requiring the Commonwealth immigrants to obtain employment vouchers, to provide a legal framework which would enable the British government to restrict the passage and settlement of 'coloured' Commonwealth British subjects. By the time the Commonwealth Immigrants Bill became law, the Asian and Black population increased manifold and began to regard as a permanent part of the British life, whereas earlier they were regarded as temporary or transients by the natives.

III.2.7. The White Paper on Commonwealth Immigration, 1965

Though the 1962 Act unintentionally resulted in an increase in the total inflow through family reunification to beat the ban, the continuation of political campaign to restrict the New Commonwealth immigration was resumed soon. Shortly after taking office in 1964, the Labour government issued a White Paper entitled 'Immigration from the Commonwealth' calling for stricter controls and signalling a growing convergence between the Labour and the Conservatives on migration (Gish 1968: 29). The major changes made were to officially eliminate Category C vouchers and to fix a number of 8,500 vouchers per year for issuance, of which number 1000 went to Malta as a temporary measure; the remaining 7,500 vouchers will be issued to people in Categories A and B[8] which continued to be defined basically as before. The 7,500 vouchers represented roughly 150 per week as opposed to the 400 per week which was the number administratively decided upon in 1962-63.

In addition, the White Paper made provision for seasonal workers to enter Britain without labour vouchers, benefitted mainly those from the Mediterranean

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[7] Part I of the Commonwealth Immigrants Act of 1962 provided that, with effect from 1 July 1962, citizens of Commonwealth countries, with certain exceptions, became subject to immigration control. Under Section 12, which came into force on 31 May 1962, the period of ordinary residence prescribed for registration under Section 6(1) of the British Nationality Act of 1948 or Section 3(2) of the (amendment of) British Nationality Act of 1958 was increased from 1 to 5 years, and persons recommended for deportation lost their entitlement to registration under Section 6(1) of the Act of 1948. For details, see UK Home Office website at http://ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nisec2gensec/immigrationacts?view=Binary.

[8] Category B is clearly the more important category and is spelled out as applying to people with the following skills: (a) Doctors, dentists and trained nurses; (b) Teachers who are eligible for the status of qualified teachers in this country; (c) Graduates in science and technology who have had at least two years experience in suitable employment since graduation; (d) Non-graduates with certain professional qualifications who have had at least two years experience in suitable employment since qualifying (Gish 1968: 29).

Commonwealth areas of Cyprus, Malta and Gibraltar. The groundwork was also laid for on the job training schemes under which Commonwealth citizens could come to Britain without labour vouchers for specified training, at a specified place, for a specified time, after which they must return home. Dependants and students retained their right to enter Britain but there was a general tightening up of the regulations pertaining to these groups. The 1965 changes in the Commonwealth Immigration Act of 1962 had succeeded in cutting the inflow of New Commonwealth students by half and of voucher holders by two-thirds; but the inflow of dependants continued to rise and more than balanced the loss of immigrants in other categories. What Britain tried for was to increase the 'brain gain' content of Commonwealth immigration without increasing the number of vouchers being issued, thereby balancing the increasing native 'brain drain' to North America.

III.2.8. The Commonwealth Immigrants Act, 1968

In early 1968, the 'Kenyan Asian Crisis' renewed political pressure due to the mass inflow of East African Indian immigrants to Britain leading to the Commonwealth Immigrants Act of 1968 which explicitly denied the automatic right to entry and abode to Black and Asian British citizens. The Act introduced the concept of 'patriality' which required all citizens of Britain and the colonies to obtain entry vouchers before arriving if they have no substantial connection to Britain by birth, descent, adoption or marriage. The clear intention of this concept seemed to control 'coloured' immigration from the Commonwealth while allowing unrestricted access to most Old (read White) Commonwealth citizens of British descent (Meyers 2004: 69). Patrials, who were overwhelmingly White, had privileged access to Britain since they do not need work permits or resident permits, and nor did they had to register with the police. The Act widened the control to include persons who were citizens of Britain and the Colonies either by birth in a colony or by registration in a Commonwealth country before it became independent, for instance, those born in Hong Kong or registered in Kenya before 12 December 1963.[9] The Commonwealth Immigrants Act of 1968 introduced by Labour Government was officially explained in terms of the response to public

[9] For details on British nationality legislations, see UK Home Office website at http://ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nisec2gensec/immigrationacts?view=Binary.

fears of Black immigration, stirred largely by the 'River of Blood Speech'[10] of the then Shadow Defence Secretary Enoch Powell and also in terms of the economic interests that required a controlled and exploitable migrant labour force. However, Labour and Conservative governments were not merely responsive, but had actively regulated and racialised the British immigration.

III.2.9. The Immigration Act, 1971

In October 1971, the logical culmination of the previous years of intensive lobbying, racist debate, press scare-mongering, political reluctance and popular scapegoating, the Immigration Act of 1971 was passed. This virtually ended all Black primary immigration in a period of growing unemployment and the erosion of Britain's industrial base by putting all new immigrants on a *gastarbeiter* basis, unless they were 'patrials', i.e., with a parent or grandparent of British descent and the act even included provision for voluntary repatriation. The Act also contains a wide range of criminal offences and increased penalties in relation to the immigration laws and conferred powers of arrest, search and detention upon constables and immigration officers (Evans 1972: 524).

The Immigration Act of 1971, which came into force in 1973, thus thoroughly exposed the racial nature of the immigration laws as it took away the right of the Black Commonwealth immigrants to settle in Britain, and represented an important step in the institutionalisation of racist immigration controls. The British Immigration Policy, thus, became even more restrictive and race based with which the Act formally defined the concept of patrials, ended the employment voucher scheme for

[10] Enoch Powell was the former Conservative minister of health and a leading right-winger who more than any other single politicians generated a potent national hysteria about Commonwealth immigration. On 20 April 1968, Powell made a controversial speech in Birmingham, in which he warned his audience of what he believed would be the consequences of continued unchecked immigration from the Commonwealth to Britain for which he was removed from his post. *"As I look ahead, I am filled with foreboding. Like the Roman, I seem to see 'the River Tiber foaming with much blood'. That tragic and intractable phenomenon which we watch with horror on the other side of the Atlantic but which there is interwoven with the history and existence of the States itself, is coming upon us here by our own volition and our own neglect. Indeed, it has all but come. In numerical terms, it will be of American proportions long before the end of the century. Only resolute and urgent action will avert it even now"*. He changed the parameters of the race debate in Britain both in Parliament and in the country at large, and gave a shape to the popular racism that made the lives of Black people hell. At the Parliamentary level, he institutionalised what became known as the 'number game', emphasising on how many immigrants were coming in, how many dependants were coming, how fast their number increasing etc. (Bourne 2008: 84).

Commonwealth citizens, and encouraged voluntary repatriation through financial incentives.[11] Commonwealth immigrants could now enter only on the basis of work permits that did not carry with them the right to permanent residency or the right to family re-union and would not automatically be renewed. At the same time Irish citizens and nationals of EEA countries are essentially free to live and work in Britain without the permits (Hatton 2005: 726). It also replaced the Alien (Restrictions) Acts of 1914 and 1919 and the subsequent orders with one statute on the admission and stay of both Commonwealth citizens and foreign nationals.

It was clear that the basic problem identified in the Act was not the immigrants per se; it was race. As race relations expert Benjamin Bowling describes, the act was aimed at controlling mainly dark skinned people only, as they allowed,

> *...potentially millions of White Commonwealth citizens to enter under the partiality clause and settle in Britain, a right denied to almost all non-White Commonwealth citizens* (Joshi 2000: 3590).

While a general intention to reduce inflows is given, it is carefully phrased in terms of so-called primary immigration. Thus the then Home Secretary Douglas Hurd informed the House of Commons that

> *The 1971 Act sought to bring primary immigration by heads of households down to a level which our crowded island could accommodate. The Act was introduced in the belief that there is a limit to which a society can accept large numbers of people from different cultures without unacceptable social tensions. That remains our view* (Coleman 1996: 197).

III.2.10. The European Communities Act, 1972

The European Communities Act of 1972 was passed by the British Parliament to make provision for Britain's membership of the Community and to make Community law applicable in the national legal system. Section 1(2) of the Act defines the "Community Treaties", the main ones being listed by name. Section 2(1) makes provision for the direct effect of Community law in Britain. Section 2(2) makes provision for the implementation of Community law by means of subordinate

[11] The Immigration Act of 1971 provided for the control of immigration of people of all nationalities, for the making of deportation orders and the rights of appeal against immigration decisions, and confered the right of abode on certain categories. It also amended the British Nationality Act of 1948 in respect of registration under Section 6 of certain Commonwealth citizens as Citizens of the United Kingdom and Colonies (CUKCs). Section 29 of the Immigration Act of 1971 also provided for funds for the expense of repatriation in carefully defined circumstances (Coleman 1987: 1158).

legislation. Section 2(4) provides for the supremacy of Community law (if British Parliament wants it to prevail) and makes provisions for the enforcement of judgements of ECJ and of decisions of the Council or Commission imposing fines and penalties in Britain. Absolute sovereignty rests with Parliament though and it could always repeal the European Communities Act and then Community law would cease to have effect in Britain (Hartley, T. C. 2007: 257-262).

III.2.11. Immigration Policies of 1970s

Interestingly, between April 1974 and February 1975, the Labour government moved towards a more liberal immigration control policy. It granted amnesty to certain illegal immigrants who were affected by the Immigration Act of 1971, lifted the 1969 restrictions on the admission of husbands and fiancés of women settled in Britain and raised the quota for British passport holders from 3,600 to 5,000. In the early 1976, the government also passed the Race Relations Act prohibiting every form of discrimination at work, in education, in housing etc. and under this law the victims of discrimination could immediately institute proceedings for unlawful discrimination.

However, again in March 1976, Home Secretary Roy Jenkins acknowledged the need to maintain a strict immigration control, and in April the Home Office Minister responsible for immigration was dropped from the government for being too liberal with regard to immigration control. In May 1976, the arrival of a small number of Asians from Malawi produced a media panic and an increase in support for the National Front, a racist Whites-only political party, was evident. In response to mounting Conservative pressure over the Malawi Asian crisis in July 1976, Jenkins announced the establishment of a Parliamentary Group to examine the possibility of creating a register of potential immigrant dependants. In October of the same year, the Conservative's Annual Conference was flooded with resolutions to control immigration and the proto-manifesto of the party stressed the need for an immediate reduction in immigration. In February 1977, the Labour government decided that the registering of dependants would not be feasible or desirable. In March 1977, the Labour government implemented a new Immigration Rule, under which men recently married to women already settled in Britain were no longer granted the right of immediate settlement. This measure led to a drop in the number of New

Commonwealth citizens allowed to settle in Britain. In April 1977, the government published its suggestions for the reform of the nationality and citizenship laws. It proposed two forms of British citizenship; one for those with close connections to Britain and the other for those who were citizens of the British colonies.

III.2.12. Developments during Thatcher Period

Margaret Thatcher's statement of January 1978 highlighted the opposition of the Conservative Party to immigration. Mrs. Thatcher generated a controversy with an interview given to Granada Television, 'World in Action' on 30 January 1978 stating that people are afraid,

> *...that this country might be rather swamped by people with a different culture and that Britain should hold out the prospect of an end to immigration except, of course, for compassionate cases* (Joshi 2000: 3593).

A policy to facilitate the voluntary repatriation of migrants unhappy with life in Britain formed part of the Conservative Party's policy in the general election of 1979 and their election manifesto promised tough measures against immigration. When the Conservatives returned to power, they implemented some of their promises by introducing new regulations restricting the admission for settlement of (a) husbands of women settled in Britain; (b) elderly dependants of sons and daughters settled in Britain and (c) people who entered Britain as visitors or students. The regulations tightened family reunification overall, and introduced the controversial 'primary purpose rule'.[12]

Though Powell and Thatcher had an impact, the campaigns of Blacks against unjust immigration laws and quick-fire deportations, proclaiming that they were '*Here to stay, Here to fight*', and the rebellions of young Blacks against an increasingly racist and repressive system, put a challenge. And it was left to the Nationality Act of 1981 to 'regularise' the nationality of Britain's Black population, citizenise them, in preparation for Europe *sans frontiers.*

[12] The primary purpose rule required applicants to prove that the main purpose of marriage was not the settlement in Britain. Under the rule, the Entry Clearance Officers will judge whether a marriage is genuine or not based on their perception of South Asian culture and customs, for instance, in which the bride moves in with her husband and the in-laws. On this basis, many Asian men who applied to join their wives in Britain were refused entry (Joshi 2003: 136).

III.2.13. The British Nationality Act, 1981

The British Nationality Act of 1981, which was enacted in 1983, distinguished between three major categories of citizenship: British citizenship, British Overseas Territories' citizenship and citizenship of the British Dependent Territories. The former held nationality by descent while the latter two held nationality other than by descent. Citizens by descent could not automatically pass on British nationality to a child born outside Britain or its Overseas Territories, though in some situations the child could be registered as a citizen. Immigration officers had to be satisfied about a person's nationality and identity and entry could be refused if they were not satisfied. The new Nationality Act also influenced immigration policy since only the first category, that is British citizens whose parents or grandparents had been born, adopted, naturalized, or registered as citizens of Britain, and those who gained citizenship through permanent settlement in Britain, had the right of free access and settlement in Britain. In the Nationality Act of 1981 - which the Labour framed and the Tories passed - both parties agreed to abandon the ancient right of birth on British soil *(jus soli)* as the basis of citizenship and located it instead in descent, patriality *(jus sanguinis)* with the effect that those who had already acquired British citizenship by virtue of settlement here could hand down such citizenship to their descendants. British citizenship, henceforth, could not automatically delegate on Commonwealth citizens, on British Overseas Citizens or citizens of British Dependent Territories, excepting Gibraltar because it was in Europe and, since 1983, the Falklands because it was British. The purpose of the Nationality Act, in effect, was not just to tidy up the citizenship mess left by successive Immigration Acts but to rid Britain of its remaining obligations of Empire and bring it into line with Europe (Sivanandan 1989: 86).

III.2.14. Immigration Policies of 1980s

Between October 1982 and February 1983, the Home Secretary introduced changes in the immigration rules with regard to the admission of husbands and fiancés of British citizens. The policy of limiting the immigration has been failing in that purpose since the mid-1980s partly because of the increase in asylum claiming and the failure to remove rejected claimants with no entitlement to remain in Britain. Since 1985, the British policy was focused on stemming the immigration of asylum seekers and illegal

immigrants. In 1985, an influx of Tamils from Sri Lanka, and perhaps also high unemployment and urban riots, led the Home Secretary Leon Brittan to announce that Sri Lankan Tamils would be allowed to remain only if they would suffer severe hardship if they returned. Ten days later new Immigration Rules required citizens of Sri Lanka to obtain visas in order to gain admission to Britain, which was the first occasion on which Commonwealth citizens were required to obtain visas and was preceded and legitimated by scare stories in the press about an impending 'floodtide' of Tamils about to engulf Britain. The Conservatives insisted that asylum rules had to be tightened in order to combat the rising number of bogus refugees. The same year, the Conservative government also responded to a decision by the European Court of Human Rights by a rule change that removed the privileges enjoyed by pre-1973 New Commonwealth male migrants.

Between September 1986 and early 1987 the government, citing an increase in illegal immigration, imposed visa requirements on travelers from India, Pakistan, Bangladesh Nigeria, and Ghana and later extended it to other countries like Turkey, Haiti and Uganda. The real reason for the restriction was that to curtail the right of MPs[13] to intervene in the cases of people who were refused entry to Britain by immigration officers, thereby to put an end to their removal and to ensure at least temporary admission, leaving in effect, no way of appealing against a decision made by an immigration officer. The government also used other methods to limit migration from the Indian subcontinent, including the strict enforcement of immigration rules at the ports, the deportation of people who broke the conditions of entry, and also requiring prospective immigrants to obtain entry vouchers at British High Commissions or Embassies in their country of origin.

The Immigration (Carrier's Liability) Act, passed in March 1987, gave the government the right to penalise airlines and shipping companies that brought people to Britain without proper documents. The Act provided for a charge to be levied on the owners

[13] In February 1986, the Home Office issued draft guidelines which sought to restrict MPs' powers by applying a time-limit to the making of representations, restricting representations to anyone but the relevant constituency MP and stating that entry was unlikely to be granted to anyone who appeared to have been advised that entry might be secured by recourse to an MP. These guidelines were modified somewhat as a result of protest, although in practice the Home Office has taken a harder line on representations. There have been cases where people have been granted temporary admission after an MP intervened, but have then been removed without the MP being informed (Gordon 1987: 77).

or agents of a ship or aircraft where a passenger requiring leave to enter Britain arrived either without valid travel documentation; or without a valid visa, if required; or without a Direct Airside Transit Visa, if a national of a country listed in the Immigration (Transit Visa) Orders 1993 and 1995. Although carriers are not required to be satisfied that the passenger will be acceptable to the British authorities, they were expected to ensure that the passenger presents valid documentation which was acceptable for entry into Britain; and that s(he) is the rightful holder of that document and had a suitable visa, where necessary.

III.2.15. The Immigration Act, 1988

In November 1987, the government introduced a Bill repealing the absolute right of men and women settled in Britain before 1 January 1973 to be joined by their families. The bill, which went into effect in mid-1988 as the Immigration Act of 1988, criminalised over-stayers and made deportations even more summary by restricting the rights of appeal against the refusal of entry and against deportation. The Immigration Act of 1988 received Royal Assent on 10 May 1988 and consisted of 12 sections together with a Schedule of minor amendments. It did not alter the overall framework of immigration control contained in the 1971 Act, but made a number of detailed changes to make the policy more restrictive.[14]

[14] i) Section 1 repealed Section 1(5) of the Immigration Act 1971. The main effect was to end the exemption of certain Commonwealth citizens from the need to meet the marriage tests and the maintenance and accommodation requirements when bringing their families into Britain for settlement; ii) Section 2 restricted entry clearance and the issue of certificates of right of abode in cases of polygamous marriages; iii) Section 3 extended to all passengers the requirement that persons seeking admission to Britain on the basis that they had the right of abode there should establish that they had that right by obtaining the necessary documentation before travelling to the country; iv) Section 4 ended the exemption from immigration control formerly enjoyed by locally engaged staff in non-diplomatic posts within diplomatic missions; v) Section 5 restricted the grounds of appeal available to someone who was to be deported administratively and who had been there for less than 7 years; vi) Section 6 made overstaying a continuing offence; vii) Section 7 relieved European Economic Area (EEA) nationals, having rights of residence under the Treaty of Rome, of the need to obtain leave to enter or remain in Britain; viii) Section 8 was linked to Section 9, and provided authority for the process known as 'pre-clearance' by which passengers were examined by immigration officers either at their point of embarkation or while *en route* to the country; ix) Section 9 made it possible to impose a charge for the grant of indefinite leave to remain in Britain and for other particular immigration services such as pre-clearance arrangements, where these were sought by carriers. The remaining sections of the Act involved commencement and other technicalities, and made no changes to the substance of the immigration law. The Schedule to the Act also made some minor amendments to the 1971 Act, primarily concerning the powers of immigration officers in on-entry cases. Sections 6 (Overstaying), 8 (Pre-clearance), 9 (Charging) and most of the Schedule came into force automatically on 10 July 1988. All the other main provisions of the Act came into force on 1 August 1988 except Section 7 which was

III.2.16. The British Nationality (Hong Kong) Act, 1990

Hong Kong, in the post Tiananmen Square protests of 1989, witnessed rampant emigration and brain drain from the country to Britain which affected its economy of adversely. To stem the drain, people urged the British Government to grant full British citizenship to all Hong Kong British Dependent Territories' citizens but this request was not accepted. However, in view of Britain's special obligation to Hong Kong as a dependent territory, whose people were unable to exercise the fundamental right of self-determination, it was considered necessary to devise a British Nationality Selection Scheme to enable some of the population to obtain British citizenship to maintain confidence in Hong Kong and to counteract the effects of the emigration of many of its most talented residents. In 1990, the government passed the British Nationality (Hong Kong) Act,[15] which granted full British citizenship to 50,000 people from Hong Kong and their dependants, a maximum of 225,000.

III.2.17. The Asylum and Immigration Appeals Act, 1993

By the late 1980s the focus of British Immigration Policy had been shifted from the economic migration to the increasing phenomenon of asylum and refugee seeking. Between 1988 and 1991, the number of asylum applications to Britain increased manifold. As a result, the Parliament began debating a new Asylum Bill in 1991, but its passage was interrupted by the general election of 1992. A more moderate version of that bill was eventually passed in 1993 and the Asylum and Immigration Act of 1993 came into force on 26 July 1993. The Act defined a claim for asylum in terms of Britain's obligations under the United Nations Convention of 1951 and the 1967

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brought into effect on 20 July 1994. This section draws mostly from the information provided in the UK Home Office website www.ukba.homeoffice.gov.uk.

[15] Section 1(1) of the British Nationality (Hong Kong) Act of 1990 gave the Home Secretary the power to register as British citizens up to 50,000 persons (heads of families) recommended to him by the Governor of Hong Kong. The spouses and minor children of such persons were also entitled under Section 1(4) to registration. In order to be eligible for registration under section 1(1) a person was required to be settled in Hong Kong and should be a British Dependent Territories Citizen by virtue of a connection with Hong Kong, or an applicant for registration or naturalisation; and should be either a British National (Overseas), British Overseas citizen, British subject, or British protected person. A spouse who married the family head after that person was registered under Section 1(1) was required to be settled in Hong Kong on the date of the marriage in order to be eligible for registration under Section 1(4). Spouses and children were not subject to the nationality criteria. No person could be registered as a British citizen under the Act on or after 1 July 1997. For details, see the Office of Public Sector Information (OPSI) web site http://www.opsi.gov.uk/acts/ acts1990/Ukpga_19900034_en_1.htm.

Protocol relating to the Status of Refugees. Under the Convention, a person must have a well founded fear of persecution for reasons of race, religion, nationality, social group or political opinion. The Asylum and Immigration Appeals Act of 1993 sharply increased the proportion of asylum claims refused, from 14 percent in the six months before it came into force, to 76 percent in the first nine months of 1994.[16]Though this Act did not directly amount to any kind of discrimination as such, but asserts the restrictiveness of the British immigration and asylum regime in spite of its commitment to the ethos of Geneva Convention of 1951 and the human rights ensured by the EU which Britain is a member.

III.2.18. The Asylum and Immigration Act, 1996

Nevertheless, the number of asylum applications increased again in 1994-95, producing an excess of applications awaiting decision and the allegations that many of the applications were bogus. This, in turn, led to further restrictions on asylum applications and to controversies over the treatment of asylum seekers. The Asylum and Immigration Act of 1996[17] denied welfare benefits to asylum seekers who did not

[16] The Act of 1993 was designed to give officials greater authority to prevent the filing of questionable claims and to deport those persons, whose applications have been denied. It included provisions that gave the authorities the power to fingerprint all asylum seekers and their dependents as a means of confirming their identity and detecting and deterring 'multiple applications' (Section 3) where there was a suspicion that they had false papers. The Act called for a reduction in the obligation of housing authorities under the homelessness legislation towards asylum seekers (Section 4). It also introduced the concept of 'safe third country' and limited the right of appeal and set time limits within which the Immigration Appellate Authorities must determine appeals (Section 8). It also provided a right of appeal before a special adjudicator for all unsuccessful asylum applications before removal from Britain, and the introduced accelerated and fast track appeals procedures (Section 8) and an additional avenue of appeal to the Court of Appeal (Section 9). This section draws mostly from the information provided in the UK Home Office website www.ukba.homeoffice.gov.uk.

[17] The main provisions of the act include: Section 1 widened the scope of the accelerated appeals procedure in asylum cases, whereas, Section 2 provided that the right of appeal against removal to safe third countries in the EU and Canada, Norway, Switzerland and the US would be exercisable only from abroad. Section 3 established a specific right of appeal against certification in third country asylum cases. Section 4 strengthened the criminal law provisions with regard to obtaining leave to enter or remain by deception, facilitating leave to remain, and searching premises with warrants. Section 5 created offences relating to the facilitation of entry for asylum seekers to Britain for reward, and to the use of deception for the purpose of obtaining leave to remain. Section 6 aligned the financial and custodial penalties for a number of offences under the 1971 Act. Section 7 created new powers for the arrest of immigration offenders and for searching for evidence of immigration offences. Section 8 created a new offence (punishable by a fine) of employing a person who is prohibited from working, and provided for a defence against prosecution. Sections 9-11 relate to the provision welfare and State benefits etc to asylum seekers. Section 12 extended the power to curtail leave and to allow for the leave of dependants of asylum seekers to be curtailed when curtailing the leave of the principal applicant. The Schedules to the 1996 Act set out the scope of changes to the benefit regulations as they apply to

apply for asylum in Britain upon arrival. It also restricted council housing for asylum seekers and certain categories of immigrants, prevented them from working for six months and placed penalties on employers.

The government implemented several additional measures to stop illegal immigration and limit the number of asylum seekers like (a) DNA tests were conducted to see if a child brought into the country for family reunification is indeed the claimant's child; (b) the home secretary offered to tighten marriage rules for potential immigrants in order to prevent 'marriages of convenience'; (c) the government announced that it is considering plans to boost the deportation of asylum seekers by elevating the Home Office's Immigration and Nationality Department (IND) to executive agency status, and rewarding managers for meeting deportation targets; and (d) the home secretary visited Pakistan in order to talk to the government about trying to stem the flow of Pakistani asylum seekers. The Asylum and Immigration Act of 1996 received Royal Assent on 24 July 1996. Section 11 and Schedule I came into force automatically on 24 July 1996. The other provisions came into force on various dates up to 1 November, except for Section 8 which came into force only on 27 January 1997.[18]

III.2.19. Immigration Policies since 1997

When the Labour government came into power in May 1997, it declared its intention to invalidate several restrictive immigration control policies enacted by the Conservatives. The changes included (i) the elimination of the primary purpose rules, under which Britons marrying non-EU citizens had to prove that their marriage was not an attempt to avoid immigration controls; (ii) elimination of the so-called white list of countries whose citizens were regarded as facing no serious risk of persecution and thus could be returned before their applications for asylum were considered; and (iii) by not enforcing the 1997 employer sanctions laws. The government also increased the funds available to local councils to house and feed asylum applicants with no means of support.

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persons from abroad and make amendments to the 1971, 1988 and 1993 Acts. For details, see UK Home Office website www.ukba.homeoffice.gov.uk.

[18] This paragraph draws mostly from the UK Home Office website www.ukba.homeoffice.gov.uk.

The government's second Annual Report, published on 26 July 1999, noted that it had already removed the primary purpose rule on immigration. In February 1999, the government also announced that residents of thirteen British Dependent Territories would be granted full citizenship and the right to migrate to Britain, thus reversing the elimination of these rights in the Commonwealth Immigrants Act of 1962 and the British Nationality Act of 1983. And a new law, effective from 4 December 1999 extended the Race Relations Act to make police chief constables and senior immigration officials subject to prosecution if the staffs they supervise were found guilty of racist acts.

However, most immigration policies between 1997 and 2001 focused on accomplishing the asylum process, and in particular blocking illegal immigration and bogus refugees, as envisioned in the Labour's election manifesto of 1997. The Annual Report of 1999 argued that Labour's promises to streamline the system of visa appeals, ensure swift and fair asylum decisions, control unscrupulous immigration advisors and crack down on fraud in birth certificates were all on course. But the growing numbers of asylum seekers and illegal immigrants caused the government to further emphasize these aspects of the immigration policy. In late 1997, the Home Office announced measures aimed at restricting illegal immigration, such as beginning passport and identity checks on board *Eurostar* trains that passed through the Channel Tunnel from France and establishing a task force to deal with alien smuggling. In April 1998 it announced that the Carriers Liability Act would be extended to trains, so that the *Eurostar* would be liable for fines for passengers arriving in Britain without proper papers. The same year, the government also required the nationals of the former Yugoslavia and the Slovak citizens to have visas even if they were only on transit through Britain. On 1 January 1999, trucking firms were made liable for a 2000 Pound fine per unauthorised foreigner brought into Britain. From February 2000, British authorities could require a 10,000 Pound bond from visitors from high risk countries including India, Pakistan, and Bangladesh. In August 2000, Britain started fingerprinting asylum seekers. And under the Asylum and Immigration Act of 1996, the couples had to personally go to the registrar at least 15 days prior to their wedding day, in order to prevent marriages of convenience, aimed at gaining a British passport.

III.2.20. The Asylum and Immigration Act, 1999

The main goals of the Asylum and Immigration Act of 1999 which came into effect in April 2000 were to streamline the asylum system, and to reduce the costs and abuse. The Act limited asylum applicants to one appeal after rejection, extended carrier liability to truck drivers, speeded up the decision making process to two months for a first decision and four months to handle any appeals, substituted vouchers for the cash assistance that asylum seekers received, and sought to disperse the asylum seekers around the country while their claims were being considered.[19]

III.2.21. Policy Shift since 2000

By 2000, the prime focus of the immigration rules were shifted as the quality and quantity of immigrants entering Britain had changed substantially. Issue of asylum and illegal immigration acquired prominence whereas the composition altered since immigrants from the other EU member states like CEECs came in together with the New Commonwealth immigrants as earlier. The problems of productive population deficit and low birth rates together with the population ageing in Britain led to the demands for labour for the specific sectors of the economy facing labour shortages. But this could not shift the negative attitude of natives towards the entering of legal Commonwealth immigrants and instead, exhibited a stronger preference for White immigrants from Old Commonwealth and from the EU countries (Simon and Lynch 1999: 460). Starting in the mid-1990s, and particularly since 2000, Britain has renewed the state controlled recruitment of non-EU foreign workers. In 1996, SAWS was added to the Asylum and Immigration Act of 1996 in order to permit British farmers to employ, up to 10,000 Eastern Europeans as farm workers from May through November. In 2001, the government increased the number of permits for foreign farm workers from 10,000 to 15,200.[20] And in 2000-01, the government announced, and started implementing, plans to simplify the procedures for admitting foreign professionals in order to reduce labour shortages in the IT and health care. The

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[19] This section draws mostly from the information provided in the UK Home Office website www.ukba.homeoffice.gov.uk.

[20] This section draws mostly from the information provided in the UK Home Office website www.ukba.homeoffice.gov.uk.

pilot project, which aimed to attract non-EU skilled workers and professionals, was expected to draw workers mainly from India and Eastern Europe.

On 29 September, 2000, new rules for foreign skilled workers were announced by the Department for Education and Employment. In October 2001, Home Secretary David Blunkett announced that foreigners who are professionals would be allowed to enter Britain for one year under the Highly Skilled Migrant Programme (HSMP). The program which started in January 2002 was the first time in 30 years when the immigrants without a pre-arranged job could enter Britain in search of employment. The aim of the program was to attract highly mobile people with the special talents required in a modern economy. Their permits could be renewed indefinitely. The shift in Britain's skilled foreign labour policy was part of a larger, long-term move towards a system of work permits. This system could also include expanding the seasonal work program to non-farm temporary workers, introducing work permits to help fill labour shortages in various industries, and to let foreign students who have been educated in Britain to apply for jobs without returning home.[21]

The main reason for this shift in policy was the shortage of labour in specific sectors like farm workers, nurses and highly skilled workers in the IT industry etc., as well as the decline in unemployment rates in the labour market in general. In April 2000, the unemployment rate fell to 3.6-3.9 percent, the lowest rate since the late 1970s. But the long-term move towards a controlled recruitment of non-EU foreign workers was also linked to the government's attempt to fight illegal immigration, the smuggling of people by 'gang masters', the downward pressure on wages, and the proliferation of false asylum claims.

III.2.22. The Nationality, Immigration and Asylum Act, 2002

In 2002, a new immigration law was implemented as the Nationality, Immigration and Asylum Act. One of the important features of the Act included the introduction of a work permit issued by the competent section of the Department for Work and Pensions for immigration on the purpose of earning a livelihood in Britain. A work permit could be issued only if it was proven that the Third Country National (TCN)

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[21] This section draws mostly from the information provided in the UK Home Office website www.ukba.homeoffice.gov.uk.

was more suitable for a particular job than the British and EU applicants. The job was to be advertised initially at local and national level. For jobs where there was a labour shortage as in the case of nursing professions, the obligation to advertise the job in advance was waived. The work permit was linked to a specific job and was held valid for a maximum of three years. Fixed period residence permits were made valid for one year in Britain. After four years of legal residence, an application for a permanent residence permit could be submitted. Issuance of such a permit depended on proof of residence and sufficient income, i.e. whether the foreign national was capable of supporting himself/herself and family, without recourse to government or public funding. Proof of four years' continuous employment with the initial employer was also required, as well as the certification of continuation of this employment in the future. After ten years of legal residence in Britain, the immigrant acquired a *de facto* legal right to a secure residence permit. The permanent residence permit thus provided unrestricted access to the job market. After two years of absence from Britain, the secure residence permit was forfeited as well (Dr. Varvitsiotis 2006: 101). The intention of the Act was no doubt to limit the New Commonwealth immigration.

III.2.23. The Highly Skilled Migrant Programme, 2002

In January 2002, the Highly Skilled Migrant Programme (HSMP) was introduced with the aim of allowing highly skilled foreign nationals to work in Britain. The basic criteria included past earnings and work experience. For these criteria, points were awarded.[22] Also, the right to family reunification was granted to holders of both limited period and permanent residence permits. For holders of permanent residence permits, the permission was also granted for their parents, second degree relatives, and unmarried partners to enter the country for work in an employed capacity. A requirement for the last category was that the relationship should have existed for more than two years. The children and parents of permanent residence permit holders received the same residence permit immediately, within the scope of family reunification. Spouses received a permanent residence permit after one year of legal residence in Britain. Their status was retained even in the event of divorce or death of

[22] If a particular score was achieved (at least 65 points), highly skilled migrants received a fixed period residence and work permit, which could be renewed for a further three years. The programme was widened to include seasonal workers in agriculture and other sectors, thereby providing the branches of the economy suffering from a labour shortage to attract a certain number of workers whose period of residence was limited to six months.

the original permit holder. Foreign spouses of British nationals received an immediate right of residence as part of family reunification, and had immediate access to the job market.

Citizenship could be applied for in Britain after five years of legal residence, including at least one year with a permanent residence permit. To obtain citizenship, adequate knowledge of the English language was also required (language test), as well as the knowledge of the legal culture and democratic values of the country. Children of permanent residence permit holders who were born in Britain automatically acquired British nationality. Children of limited period residence permit holders could apply for citizenship up to the age of 16. The authorities attached importance to whether the child's future lies in Britain. Between 1993 and 2002, more than 600,000 people acquired British citizenship (OECD 2003: 359). People with unlimited residence permits could apply for social benefits, provided they had paid enough contributions. Commonwealth citizens have the right to vote at national and local level in Britain. Other TCNs had neither the right to vote nor the right to stand as candidates. Changes were introduced to the HSMP in 2006.

III.2.24. The Points Based System, 2008

On 29 February 2008, a new immigration system has been launched to ensure that only those with the right skills or the right contribution would be able to come to Britain to work and study. The Point Based System (PBS) is being designed with the strategic objectives to boost Britain's economy and to enhance and enforce compliance with immigration laws. The key outcomes of the new system include the better identifying and attracting of migrants who have most to contribute to Britain, a more efficient, transparent and objective application process; improved compliance and reduced scope for abuse. Underpinning the new migration system would be a five tier framework, which would help the people to understand how the system works and direct applicants to the category that is most appropriate for them, as under:

Tier 1: Highly skilled individuals to contribute to growth and productivity;

Tier 2: Skilled workers with a job offer to fill gaps in British labour force;

Tier 3: Limited numbers of low skilled workers needed to fill temporary labour shortages;

Tier 4: Students;

Tier 5: Youth mobility and temporary workers: people allowed working in Britain for a limited period of time to satisfy non-economic objectives.

For each Tier, the applicants would require sufficient points to gain entry clearance or leave to remain in Britain. Points would be awarded according to objective and transparent criteria. Prospective migrants will be able to assess themselves against these criteria, and see whether they are likely to have enough points to qualify before paying an application fee. Those who benefit from migration like the employers and the educational institutions should take on some of the responsibilities associated with migration. All applicants in Tiers 2-5 will needed a certificate of sponsorship from the relevant employer or educational institution. The certificate would act as an assurance that the migrant would be able to do a particular job or course of study. In order to sponsor migrants, employers and educational institutions will need to be registered on a list of approved sponsors operated by the IND. The IND has to manage the compliance of sponsors, using a light touch approach for those who have good track records and concentrating resources where they are needed (Canhan 2007: 1).

Under the PBS foreign workers and students from outside the EU are required to pay a 'migrant fee' before they are allowed into Britain. Non-EU overseas students need to clear a point based assessment of 40 points to obtain a student visa (Sharma 2009) and have to show that they have sufficient funds to pay for their first year of fee and living cost for upto nine months (Suroor 2009d) (See **ANNEXURE 6**). The system is designed to give preference to native Britons and then EU nationals, offer only those jobs to foreigners that cannot be filled nationally and at EU level (Suroor 2008f) (See **ANNEXURE 9**). Hence the PBS is a ground work intended to impose upon non-EU foreign immigrants restrictive and discriminatory changes (Suroor 2009e and Suroor 2009f) not only at present but also at the future whenever the country desires so (See **ANNEXURE 11**). The tightened security checks (See **ANNEXURE 10**) and forceful detention, sometimes unnecessary and racially motivated, underline the discriminatory nature of present system (Suroor 2008c and Suroor 2009g).

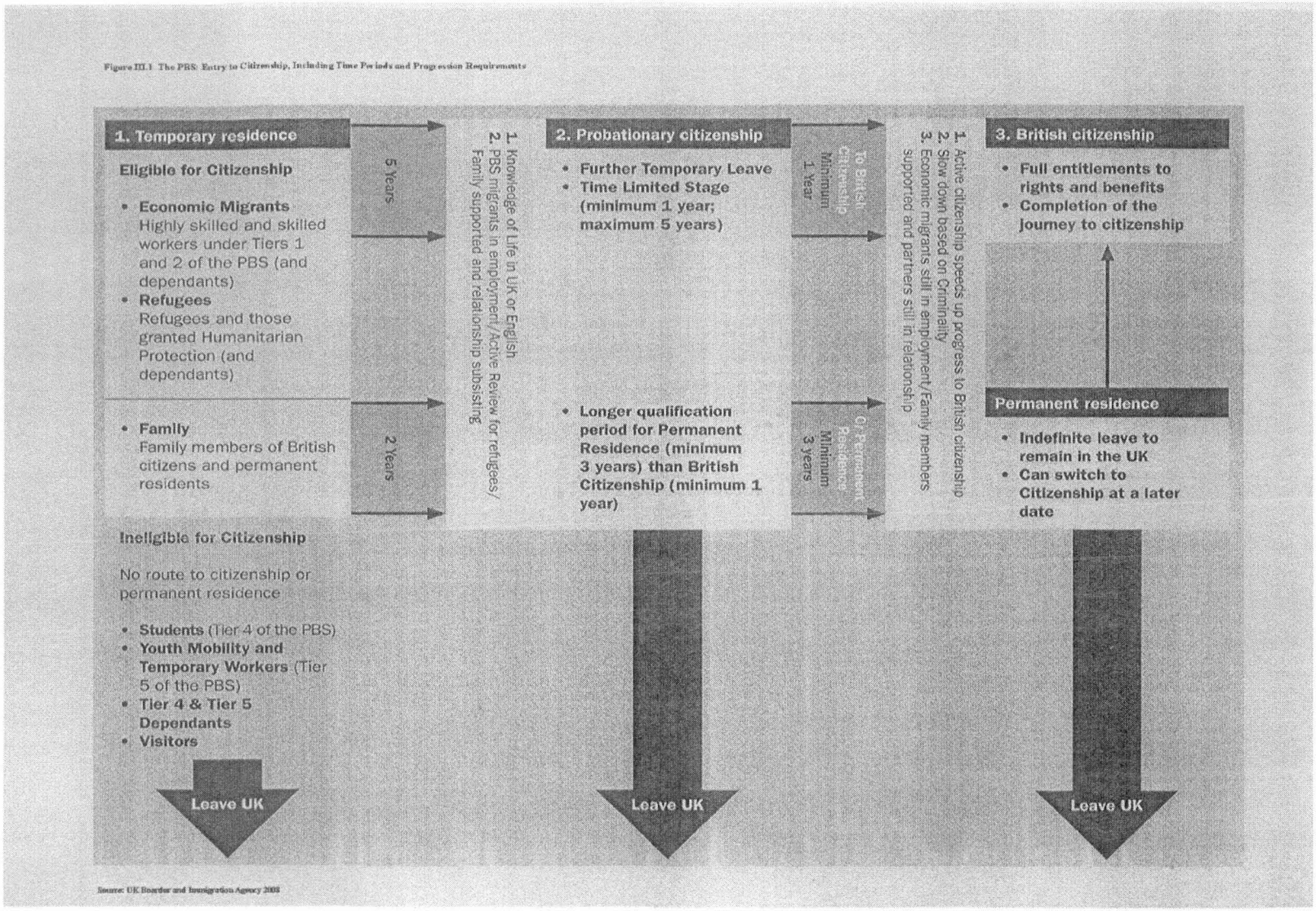
The new system also outlines the reform of the path to British citizenship now consists three stages of temporary residence, probationary citizenship and finally the British citizenship or permanent residence (UK Home Office Border and Immigration Agency 2008) which will altogether make the scope for a migrant especially the semi-skilled and unskilled migrants from the Third World New Commonwealth to the minimum (Suroor 2008i), seemingly, going attuned with the Immigration Minister Phil Woolas' proposal of putting a cap on the number of immigrants allowed to enter Britain (Suroor 2008d) (See **ANNEXURE 4** and **5**). The three stages of citizenship including the time periods and progression requirements are explained in **Figure III.1** given below. Along with this implemented on 25 November 2008, the biometric identity cards scheme (See **ANNEXURE 3**) for non-European nationals starting with students and foreign spouses of British citizens (Suroor 2008b and Suroor 2008h).[23]

III.3. Determinants of British Immigration policy

It is a known fact that immigration laws are by nature tending to be racist and hence discriminatory; they are often promulgated to prevent certain categories of foreigners from coming into the country, like for instance, the Blacks and Asians, as in the case of Britain. For the purpose the immigration legislation construct its own ways of checks. In the most obvious sense, immigration laws would formally codify the "otherness" and construct some people as non-citizens with a limited set of rights and privileges; others were declared unwelcome thereby illegalising their entry; and those who do achieve legal status would find it largely unstable, uncertain and restrictive (Calavita 2005: 165). Both Conservatives and Labour governments have followed the same policy of restrictionism, and have often sought to justify restrictive immigration laws as the basis for good race relations (Joshi 2003: 134). There were several factors which shaped the immigration policy of Britain and this section briefly discusses prominent ones briefly, to provide an opportunity for a more intensive evaluation of particular facets in its making. The questions about immigration from the former colonies and the New Commonwealth have to be contextualized as against the background of Britain's colonial legacy, its partisan orientations, public perceptions,

[23] In February 2005, Britain presented a five-year strategy for asylum and immigration incorporating biometric technologies for all visa applicants. In 2005, the British Government introduced the Identity Cards Bill, based on biometric technologies involving facial scan, iris or fingerprint features. The Bill provides that from 2008, the British passport applicants would be automatically issued a new ID card. By 2013, ID cards with biometric features would be compulsory (IOM 2005).

Figure III.1. The PBS: Entry to Citizenship Including Time Periods and Progression Requirements



relations with Europe, with the Common Market and later the EU and also with the Republic of Ireland. It also attempts a critique of the ways in which political responses, public opinion, press etc. during the respective periods have contributed to frame government thinking and policy formulation and implementation. This section of the chapter provides an overview of some of the core issues, debates and questions that helped to construct and frame immigration policies and the key domestic race relations policies that were linked to them.

III.3.1. Colonial Legacy

The British attitude towards immigration has always been deeply intertwined with elements like the legacy of the British Empire including those of the colonial period; the control and influence over the colonies as sources of labour for the so called 'Mother Land' and as markets for British goods and services; the consideration of successive post colonial British Government's obligations to the former colonies, for instance, Uganda and Tanzania in the 1970s, and Hong Kong in the 1990s, and lot more. The legacy of the Empire collectively has had a major impact on how the members of successive British governments have engaged themselves vis-a-vis the former colonies and how various sections of the British population have interpreted the arrival of former 'coloured' colonial subjects into the country. In the nineteenth and early twentieth centuries, in some political circles, the imperial ideal became elevated to a principle justified as part of a self conscious civilizing mission to the rest of the world; whereas the creation of the post war Commonwealth may be regarded as a reassuring device to conceal the reduction of Britain's power when the Empire itself was clearly facing its retreat from first class status.

Central to much of the immigration debates in Britain are the whole equation of Britishness with 'Whiteness' and of 'us' and 'them', the notion that the real British people are White who have the legitimate right to be in Britain and that others are there at their tolerance (Small and Solomos 2006: 248). Discriminatory attitudes based on race are also reflected in the fact that the term 'immigrant' is used to refer the 'coloured' immigrants from the New Commonwealth (Safran 1997: 325) and also from much of the terminology employed in debates around immigration, for instance the use of 'kith and kin', 'bone and blood', 'New Commonwealth' and 'Old

Commonwealth' etc. The categorisation of ethnic groups is not just a matter of social classification practices but it has its consequences of 'racial labelling' and 'racial stereotyping' and hence the exclusion of groups (Aspinall 2007: 51). The British imperial experience from the zenith of Victorian expansionism to the withdrawal from the colonial arena in the 1950s and 1960s left an indelible mark on British attitude towards race and colour. The decline in imperial power, however, was not accompanied by an equal and concomitant decline in racial ideas and ideologies leading to a new phase racial tension and hostility in British politics (Rich 1986: 201).

III.3.2. Racialisation of British Immigration Policy

Most analysts regard immigration and British politics as having racialised between the 1940s and 1970s, implying that it was not racialised prior to then. However, the period prior to the 1940s was in fact racialised, but not in the explicit and public way as it came to be after the 1940s (Small and Solomos 2006: 238). Before the 1940s issues of race were certainly considered in decisions about immigration, but they were done so behind the scenes, and with greater consideration for the likely political embarrassment that such discussions might have led to had they been done in public. Beginning in the 1940s, this process fundamentally changed and the issues of race became more and more explicit in the discussions and debates. Thus, the linkage of immigration to the questions of race and the call for restrictive immigration policies has been a feature of the political culture in Britain throughout the post-1945 period. This approach was based on the idea that fewer the racially and visibly different immigrants, the easier it would be to integrate them into the 'British way of life' and its social as well as cultural values. However, the ongoing discrimination in education, employment, housing and other social services and the troubled community relations together with the racist attacks on migrant communities, and the unrest within the migrant communities have created awareness that the question of racial discrimination was existing and had the potential to become a volatile political issue. Immigrants, who arrived from the Old Commonwealth, in contrast to 'coloured' colonial citizens, were overwhelmingly White and European in origin. The reaction to them by British governments and the White British population generally offered a severe contrast to the reaction to the 'coloured' colonial subjects, and highlighted the hypocrisy of those in government who said that so called 'coloured' immigration control was mainly

designed to prevent the nation becoming overcrowded (Small and Solomos 2006: 237), and not having any racial overtones.

The passage of various Race Relations Acts dated back to the 1960s, including the more recent Race Relations (Amendment) Act of 2000; the setting up of agencies like National Committee for Commonwealth Immigrants to deal with the problems faced by Black migrants and to help the White communities understand the migrants with the objective to improve relations between majority and minority communities etc. itself shows the existence of certain troubled race relations in British society. These measures were supposed to tackle racial discrimination, to provide equal access to employment, education, housing and public facilities, generally. Though successive governments stated their commitment to these broad objectives, these promises remained largely unfulfilled (Small and Solomos 2006: 241). Most of the Race Relations Reports have remained as just paper works and often indicate the irresponsible attitudes of the successive governments to implement it.

Whether law can change the social attitudes and patterns of behaviour is a question worth considering. Various Race Relations Acts with its inclusion of discrimination in the fields of employment and housing were crucial, but not sufficient step towards stamping out discrimination. This has been no doubt, partly due to the deteriorating climate of public opinion and the lack of sufficient enforcement provisions in the Act which would make it effective. It is therefore common knowledge that there is considerable racial discrimination in Britain, and where such legislation has been passed with adequate powers of enforcement, it has been shown to be effective (Ward 1969: 219).

III.3.3. Multiculturalism

Yet another determinant of the British immigration policy has been the adoption of the multicultural policies by the British administration from the 1970s onwards which included various Race Relations Acts, for instance. But these policies are also under criticisms now. Multiculturalism acknowledges the cultural, religious, and racial diversity in the society but in practice, however, it has not eliminated elements of xenophobia, racism, and anti-Islamism in mainstream society. The debates which have been started on education, the veil and 'parallel lives' suggest that the period of self-

satisfaction over British multiculturalism has now truly come to an end (Hill 2007: 269). Former British Foreign Secretary Jack Straw recently provoked a storm within the British Muslim community when he called the Muslim face veil *"a visible symbol of separation and difference"* (Islam 2007: 7).

Whilst minority cultures are allowed to remain distinct, the British culture and traditions are sometimes perceived as exclusive and adapted accordingly, often without the consent of the local population. In the wake of the 7 July 2005 London Bombings, the then opposition Conservative Shadow Home Secretary, David Davis called on the government to scrap its 'outdated' policy of multiculturalism. In August 2006, the Community and Local Government Secretary Ruth Kelly made a speech perceived as signaling the end of multiculturalism as official policy. In November 2006, Prime Minister Tony Blair stated that Britain has certain 'essential values' and that these are a 'duty'. He did not reject multiculturalism as such, but he included British heritage among the essential values and stated that,

> *When it comes to our essential values — belief in democracy, the rule of law, tolerance, equal treatment for all, respect for this country and its shared heritage — then that is where we come together, it is what we hold in common* (BBC News 2006).[24]

III.3.4. Political Attitudes

The changing political context in which the decisions about immigration, in general and 'coloured' colonial immigration in particular, were made is also important. In the post war world, the resurgence of fascist and neo-fascist groupings in Britain, mainly the National Front which threatened to transform a wave of popular anti-immigrant, anti-Black racism into the achievement of electoral success. Though a failed attempt, much of its underlying rationale and philosophy were incorporated into mainstream politics (Bentley 1995: 57). A sense of loss stemming from Britain's decline in the world had fostered such a racist politics of the 1960s and 1970s both reinforced and legitimised by a national political debate which posited the Black immigration and the numbers entering Britain as the prime threat to the country's future prosperity and well-being.

[24] For the full speech, see BBC News web site at http://news.bbc.co.uk/2/hi/uk_news /politics/6219626.stm.

From the 1960s to the early 1970s, a number of anti-immigrant organisations sprang up and remained extremely localised in their area of operations, typically as residents associations, though in some cases attempts were made to form national umbrella organisations out of the various elements such as the English Rights Association, affiliated to the Southall Residents' Association, the London and Home Counties Housing Association and Yorkshire Campaign to Stop Immigration. For many such groups, Powell became a potent and unifying symbol and Powellism their powerful ideological focus. Powellism crystallised and exacerbated the racialism, hostility, fear and insecurity of large sections of the White population. Powell consistently charged that,

> *The true figures of immigration were suppressed deliberately to keep public uninformed and that the time would shortly come when large cities and towns would become 20 per cent to 25 per cent coloured.*

The ultimate expression of this diffusion of racism throughout the body politic came with the election of Margaret Thatcher as prime minister in 1979, who so feared Britain as being "*rather swamped*" by an alien culture and *"the Tories ... had stolen the clothes of the National Front",* as Sivanandan puts it (Sivanandan 1990: 69).

The honesty and truthfulness of claims made by those who initiated and implemented policies on immigration were also critical. Many MPs and successive governments did not act decisively to challenge the racialisation of the immigration policy and instead, increasingly promoted the faulty logic of the 'numbers game' as a governmentality device to manipulate the public opinion. This had two components: (i) that Britain is an overcrowded country, reaching it capacity of immigrants, and that the number of immigrants should be restricted; (ii) that in order for there to be good race relations at home, there should be restrictions on the number of 'coloured' immigrants entering the country. They assumed that if the numbers were too high, rather than the immigrants, Britain would be forced to bear the burden of adaptation (Hampshire 2005: 60). The link between the number of immigrants and immigration control policy was thus frequently made explicit. For instance, almost all the coverage of the recent Office of National Statistics projections has focused on how more immigrants could lead to a doubling of the Britain's population by 2081 (Sriskandarajah 2007).

A significant component of the irresponsibility, even hypocrisy of MPs and governments, was the idea that immigration control was primarily introduced to restrict the entry of all immigrants into the nation. But the Commonwealth Immigrants Acts of 1962 and 1968 did not do that. It was targeted only at the Commonwealth, especially New Commonwealth, and said nothing about the immigrants from neither the Irish Republic nor anything about immigrants and potential immigrants from Europe, especially after Britain became part of the Common Market, later called the EU. The link between the composition of immigration and immigration control policy was hence evident: the opponents of Russian Jewish immigration emphasized the ethnic and cultural characteristics of the immigrants; a Royal Commission on West Indian immigration stated its concern about the acculturation of immigrants of a different race; the opposition to colored immigration produced the distinction between 'patrials', and 'non-patrials', the former being overwhelmingly White; the Immigration Act of 1971 was rewritten after discovering that it made it just as difficult for Canadian, Australian, and New Zealandian to enter Britain as it did for 'coloured' Commonwealth citizens; Irish immigrants continued to be free of restrictions and to be accorded full citizenship rights. Finally, the very recent DNA tests with regard to family reunification are most frequently used for those coming from South Asia and Africa.

The New Labour had came to power with an extraordinary mandate but often missed the opportunity to change both the migration system and the lives of Britain's minorities and migrants for the better. Indeed, in many ways New Labour's policies on migration and on race relations have displayed marked continuities with previous Labour and Conservative governments. While the 2000 Race Relations Amendment Act made some difference for established minority communities in the medium term, any progress in this field was likely to be undermined by legislation on migration and asylum. This was because the logic that underpinned the current legislation on migration and on race relations assumed that good race relations depended on stricter immigration controls. What the new legislation signalled, however, was that the language of New Labour was also moving towards a political agenda on identity and social cohesion that was likely to have a major impact on the position of established

minority communities and their everyday experiences of British society.[25] Indeed, New Labour's policies in the area of immigration and asylum seemed likely to lead to new patterns of marginalization and exclusion for sizeable groups throughout the British society.

III.3.5. Academic Contribution to Government Policies

The major governmental responses to immigration and the major academic interest in immigration and race relations stated only with the changing nature and volume of immigration, beginning in the 1950s. There are several points that could be made about the relationship between academics and government officials and politicians with regard to immigration and race relations policies in Britain since the 1950s. Works by academics have encouraged the conceptualization of immigration specifically as a problem of 'coloured' colonial immigrants rather than all immigrants and highlighted the otherness of the immigrants thus stating them as the problem. During the 1950s and 1960s there were always more White immigrants settling in England than there were 'coloured' immigrants but the almost exclusive focus of attention of majority of the academics was on 'coloured' immigrants. However, in the 1990s, as attention turned towards White immigrants from the former Eastern European countries, the problem was articulated through the issues of asylum and asylum seekers, rather than immigrants.

III.3.6. Institutional Racism

Just as there existed negative political attitudes towards immigration, the institutional approach towards immigration and immigrants were largely discriminatory. The state institutions which were entrusted with the task of implementing the immigration policy and legislations and those responsible for the better social and race relations itself were avenues for blatant discrimination and human rights violations. The best

[25] The issues of race, culture and are articulated as questions of risk to the security of the host population due to the challenges they pose to 'social cohesion'. A variety of social problems that range from minor incivilities and anti-social behaviour to race-based violence, religious hatred and terrorism are presented as potential outcomes of foreigners failing to integrate are presented as an indeterminate threat to social order and 'Britishness' (Bosworth 2008: 203). Immigration, being projected in the public domain as a problem that undermine ethnic harmony and internal social cohesion, ranked alongside the economy, crime and health care as an issue at the 2005 general election, with all the main parties proposing specific control policies (Edmunds 2006: 556).

example of the existence of institutional racism[26] in Britain is the police. The police in Britain have very often been accused by the Black ethnic minority community of being racially prejudiced. Despite several checks and balances with the changing circumstances and influx of migrant population from former colonies in the mid twentieth century, the police organisation failed to serve the aspirations and well being of immigrants. An analysis of the socio-political reasons why the British police have failed to serve all sections of a civil society on an equal basis emphasised the prevalence of imbibed racial bias shaped by several factors like the policies adopted by the state and the gap between the formal training and the practical policing, for instance.

Several reports were prepared by the Home Office, Her Majesty's Inspector of Constabulary, and several independent Commissions and judgments passed by the courts in the 1970s and 1980s highlighted the racist undercurrent in the police force but it was for the first time in February 1999 that the charge was 'officially' admitted when the Stephen Lawrence Inquiry Report[27] came down heavily on the Metropolitan Police Service (MPS) and accused it of institutional racism which shook the conscience of society and the establishment. The Lawrence report concluded as 'given the nature of the issues we feel it is important at once to state our conclusion that institutional racism, within the terms of its description...exists both in the MPS and in other police services and other institutions countrywide' (Joshi 2000: 3594).

Backed by the discriminatory laws, the police saw the presence of Blacks and Asians only as a disruption of their duty to serve the public. This has often led to a tense relationship, resulting in clashes between the police and the Black youth. The police increasingly identified them as 'problem groups' associated with street crime or robbery. While this broad identification resulted into stereotyping of Black people as potential criminals, it also helped to justify the disproportionately high rate of their

[26] William Macpherson in the Stephens Lawrence Inquiry defined institutional racism as "the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It could be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people" (Joshi 2000: 3590).

[27] Macpherson inquired into the conduct of the Metropolitan Police following the murder of Black teenager Stephen Lawrence who was stabbed to death by White racist thugs in London on 22April 1993. The Inquiry Commission's findings noted that the police officers handling the case were "racially prejudiced and ill- trained" (Joshi 2000: 3590).

stop and search, arrests and the use of force against them. The Select Committee on Race Relations and Immigration set up by the government in 1977 to investigate the police-immigrant relationship concluded that 'coloured' immigrants are no more involved in crime than others; nor are they generally more concerned in violence, prostitution and drugs' (Joshi 2000: 3591-92). On one hand, Black youths were becoming increasingly resentful of the way the police dealt with them and the police, on the other, became increasingly intolerant and colour biased. The MPS came under criticism in a study conducted by the Policy Studies Institute in the early 1980s which condemned the MPS as 'bigoted, racist, sexist, bored, dishonest and often drunk' (Bleich 2007: 151). In his report on the Brixton anti-Black riots in 1980, Scarman argued that the basic reason of this breakdown was "*unlawful and racially prejudiced conduct by some police officer when stopping, searching, and arresting young Black people on the street*".

Nothing has changed even after these reports which resulted in just promises to take corrective measures to racial prejudices within the system and to better deal with the racial attacks. Exactly 10 years on from the publication of the Lawrence Inquiry Report the BBC investigation *The Secret Policeman* in 2003 shattered any illusion that the police had banished racism from within their ranks. An undercover reporter filmed comments and images of extreme racism among some police recruits. The proportion of ethnic minority officers in the police force has risen from 2 percent in 1999 to 3.9 percent (5,511 officers) in April 2007. However, the target of 7 percent will almost certainly not be met (Bennetto 2009: 1). The British Armed Force is also not insulated from the wider problems of institutional racism, reflected by the recent incident of Prince Harry called a fellow soldier 'Paki' (Suroor 2009a and Suroor 2009b) (See **ANNEXURE 8**).

III.3.7. Foreign Policy Considerations

Foreign policy considerations have strongly influenced the British Immigration Policy. Until the Second World War, Britain supported free movement of capital, labour and trade within the Empire in order to sustain its links with its colonies. As long as Britain aspired for world leadership, it refrained from restricting Commonwealth immigration. Even in the 1950s, when New Commonwealth immigration surged,

Britain avoided restrictions out of its fear that such restrictions would undermine Britain's leadership role in the Commonwealth. Britain's loss of the world power status, marked by the 1947 withdrawal of support from Greece and Turkey, the decolonization process, and the 1956 Suez operation, weakened its commitment to free immigration. As a result, domestic opposition to dissimilar immigration prevailed, leading to restrictions on immigration. Britain gradually eliminated its immigration links with the New Commonwealth, starting with the 1962 Act, which blocked most permanent immigration; continuing with the Nationality Act of 1981, which ruled that Commonwealth citizens were no longer automatically British citizens; and culminating with the 1985-1986 visa requirements for citizens of several New Commonwealth countries.

Other examples of the impact of foreign policy consideration on immigration policy included the special allocation of vouchers to citizens of Malta, presumably because of the British and North Atlantic Treaty Organisation (NATO) defense facilities in that country, and the imposition of visa requirement on nationals of Cuba and Argentina. According to one source, the 1985 restrictions on Tamil asylum seekers were influenced by considerations of foreign policy: The Home Office's attitude towards Tamils was shaped by the fear of bogus refugee status being used to evade the strict immigration controls; an additional factor was the Foreign Office perception of the need to maintain good relations with the government of Sri Lanka, which holds a considerable strategic value in the Indian Ocean for the Eastern Alliance. But the relatively restrictive policy towards immigrants and potential refugees from Hong Kong demonstrated the declining influence of foreign policy considerations on British immigration policy. Relation with the US and the British entry into the EU also influenced the immigration policy substantially. The right to freedom of movement assured by the EU and the Common Travel Area (Schengen Zone) and the greater cooperation among the 27 member states and the EU's move towards a Common Immigration Policy all has its impact on the British policy on immigration.

III.3.8. Economic Factors

The state of the economy had an influence on immigration and asylum policy though perceived otherwise at times. It is a fact that most restrictions on immigration did not

coincide with economic recessions: the restrictions of 1792, 1914, 1961-1962, 1965, 1968, and 1971 were passed during periods of relatively low unemployment. Restrictions on asylum seekers continued after 1994, despite decreasing unemployment. At the same time labour shortage did facilitate the liberal immigration policy toward New Commonwealth immigrants during the 1950s and higher rates of unemployment could have contributed to the passage of several restrictions, including the Aliens Act of 1905 and those of the 1980s and early 1990s. Also, recession in the regions of rapidly expanding immigrant communities triggered growing opposition against them and the economic downturn in 1958 had produced race riots in Nottingham and Notting Hill district. Overt discrimination and racial conflict are likely to be precipitated in periods of economic insecurity when 'coloured' immigrants are perceived as competitors for employment and housing and as a threat to social status (Richmond 1959: 19). It could be argued that Britain's Black immigrants were confined to an inferior social and economic position due to racism and racial discrimination they are facing (Phizacklea 1984: 200).

The state of the economy at the national level has had greater influence on British immigration policy. In response to labour shortages, Britain recruited colonial labour during the Second World War and established the EVWs program in 1947. A declining economy caused Britain to issue fewer work permits to non-EU workers during the 1970s, 1980s, and 1990s. Labour shortages led to the establishment of foreign workers schemes in the farming, nursing, and IT sectors beginning in 1996. And the lowest unemployment rates in two decades contributed to plans for a renewed system of work permits, announced in 2001. Even the recent 2008 PBS was launched in the name of economic objectives to boost Britain's economy and to better identify and attract migrants who have most to contribute to British economy, thereby solving the labour shortages in some specific sectors like IT and health care though the actuality could be different.

III.3.9. Trade Union Response

The response of the trade unions has ranged from cautious hospitality to forthright hostility often bound together with the contradictory tendencies of acceptance and rejection moulded by the racial and cultural prejudice. Many trade unionists measured

Black workers against the values of a White, male dominated labour aristocracy and hence not seen as belonging to English working class. Interestingly, most of the unions did not have Black members. Additionally, the labour movement was torn between the contradicting strategies of organising Black migrants to maximise wage rates, at the same time exploiting the discriminatory practices of the employers to gain advantages for indigenous workers. The political consciousness of imperialism and colonialism was lacking and instead class consciousness was expressed through notions of regionalism and nationalism, drawing sharp distinctions between the British workers and foreigners, especially non-White workers (Taylor 1993: 128).

III.3.10. Role of Media

Media coverage and issue salience provide a key link between public opinion and policy outputs, and are likely to drive immigration legislation (Givens and Luedtke 2005: 17) in a restrictive path. The British media is not an exception. In the late 1970s and early 1980s, for instance, when public debate over the issue of Black crime became wide spread, a section of the media, especially the Right wing papers like The Daily Telegraph commented in March 1982:

> *Over 200 years up to 1945, Britain became so settled in internal peace that many came to believe that respect for the person and property of fellow citizens was something which existed naturally in all but few. A glance at less fortunate countries might have reminded us that such respect scarcely existed unless law is above the power of tribe, or money, or the gun. But we did not look; we let in people from the countries we did not look at, and only now do we see the result* (Joshi 2000: 3591).

Again in 1986, when the British government announced the visas requirements to visitors from India, Pakistan, Bangladesh, Ghana and Nigeria, sections of the press had begun to incite support for new restrictions. *The Sun*, Britain's largest selling paper, on 7 August 1986 reported a 'Migrant Scandal', claiming that eighteen suspected illegal immigrants had disappeared after being granted temporary admission to Britain by immigration officers. The tone of almost all the newspapers were the same and it hardly mattered that the Home Office's own figures showed no evidence to support such allegations or that the immigration service had deliberately relaxed its use of temporary admission in the knowledge that absconding would increase and that the media publicity would increase support for a visa system as *the Guardian* reported on 25 September 1986 (Gordon 1987: 76-80).

The Times, on 16 Oct 1986, carried a story about Asians being accommodated in a hotel costing £86-a-night while *the Daily Mail*, on 20 October 1986, reported that the Home Office was looking for 'four star hotel beds for 400 immigrants' and 'Asians start new housing crisis', the homelessness problem was now 'totally out of control'. Again, the truth that short stay visitors could not claim public housing counted for nothing. All these had sowed the seeds and exacerbated the racist violence that had happened subsequently (Gordon 1987: 78). The situation has not yet changed and the immigration scare stories always find its place in the front page box columns.

III.3.11. Public Opinion

Anti-immigration political sentiment has been a familiar feature of British public opinion on and off since 1960s (Saggar 2003:178). People place a high priority on immigration issues because they conclude that immigrant settlement puts their fundamental cultural or societal values at risk (Lahav 2004: 1177) and considers immigrants as potential competitors for jobs, housing and other social security benefits. Many a factors influence people's attitudes, media being one. Public opinion towards immigration shape political preferences leading to party choices and this in turn conditioned the parties to take a stand accordingly, most of the times anti-immigration in content, which ultimately would result in restrictive immigration policies.

III.4. Conclusion

A thorough analysis of the British Immigration Policy, on the basis of the above, derives the following points. The restrictions on permanent immigration were passed in response to inflows of Eastern European Jews (during the turn of the previous century); New Commonwealth immigrants (Acts and Regulations implemented between the early 1960s and the early 1980s); and illegal immigrants and asylum seekers (since the mid-1980s); the 1985 influx of Tamils from Sri Lanka led to the imposition of the visa requirement for Sri Lankan citizens; the growing illegal immigration from Ghana, Nigeria, India, Bangladesh, and Pakistan generated the 1986 visa requirement for the citizens of these countries; the increase in illegal immigration also contributed to the enactment of the 1987 Immigration (Carrier's Liability) Act, to sanctions on employers of illegal immigrants, to the tightening of marriage rules for

potential immigrants and to the fines on trucking firms bringing unauthorized foreigners into Britain. The surge in Third World asylum applicants since 1989 has led to the passage of the 1993 Asylum and Immigration Appeals Act, the 1996 Asylum and Immigration Act, the 1999 Immigration and Asylum Act, and to the implementation of additional restrictive regulations. Finally, the labour shortage in certain specific sectors of the economy and the market demand for highly skilled labourers resulted in the introduction of the HSMP in 2002 with the aim of allowing highly skilled foreign nationals to work in Britain and the 2008 PBS is also in response to the problem of productive population deficit and labour shortages faced by the country.

Even though the prominent driving force of many of the restrictive legislation could be seen to be economic, from the discussion on the determinants, the process of the making and implementation of the British immigration policy has revealed that the motive behind these legislations is often nothing but to restrict the 'coloured' New Commonwealth immigration to the country. But this does not mean that Britain is enthusiastic about the other immigrants from continental Europe, Ireland and Old Commonwealth however largely tolerant to them since they are Whites. Irish nationals have had the freedom of movement rights since 1922, and their immigration was unchecked considering their racial and cultural similarity. Shaped by many a factors, including primarily the imperial superiority complex, and the negative perception that migrants are harmful for the social cohesion and harmony, a burden to the British economy, and competitors for jobs, housing and social services, and obviously out of the fear of a cultural breakdown, Britain at all times, tried to restrict the immigrants especially those from the New Commonwealth. The portrayal of migrants and refugees as economic liabilities also reflect biases that are actually racially determined, but expressed in economic terms (Shah 2000: 5). In a globalised, liberalised and corporatized economy, labour rights laws and standards which guarantee migrants' rights (Sharma 2008).

Earlier, the restrictions were imposed in the name of restricting aliens with criminality and such other undesirables. When exclusionary legislation was introduced, directed first at narrowly defined categories of individuals deemed undesirable, such as criminals and prostitutes and the insane, and then, more broadly, at Asians, it was

undeniably effective (Freeman 1994: 19). Later, it was said to regularise the British nationality and subjecthood and introduced the concepts of 'patrials' and 'employment vouchers' intended to make the country accessible to the non-Whites, since patriality clause largely applicable to White Commonwealth immigrants. Same was the case with employment vouchers and visa requirements. British Immigration Policy is aptly described as a case of 'the door is wide open only if you do not wish to enter,' and as soon as British subjects began to migrate to Britain the door was closed for them. Since 1990s, when the focus shifted to the increasing asylum and refugee movement and the powerful image of the 'bogus asylum seeker', it has been an undeniable fact that the British policies and legal system has consistently been favourable to European Refugee groups, while it has consistently rejected, or been hostile to, the presence of Asian and African groups (Shah 2000: 1).

The history of British migration policy could be understood as the progressive shrinking of channels for legal immigration. It has been argued that there is now a starker distinction in British migration policy between 'wanted' and 'unwanted' migration flows. This has led to a renewed openness to mainly skilled labour migration especially since the late 1990s (Geddes 2005: 336). The introduction of the HSMP and the recent PBS are all set to recruit highly skilled labourers to the labour shortage sectors of the British economy, with the high points fixed and the hurdles of language proficiency tests making the emigration procedure complex enough for the Third World 'coloured' immigrants to apply. Interestingly, the controls were set upon the notions of economic desirability and Britain's labour market demands but implicitly the new legislations were also directed towards the New Commonwealth 'coloured' immigrants who are mainly semi-skilled or unskilled labourers. Even though there are exceptions like South Asians, especially Indian IT professionals and nurses, the emigration procedures, the insensitiveness of the British authorities towards their needs like housing, entitlement to social services, aggravated by the long and rather unattainable process of granting citizenship and most of all, the stereotypical racist attitudes of the general public drawn from media, from cinema and other popular cultural forms, and the British system itself manifested in the forms of racial violence, abuse and discrimination in day to day affairs often make the life of the immigrants extremely difficult.

While focusing on the 'coloured' immigrants, many hold the view that the problems that they faced such as inequality, poverty, educational access, health and housing were problems associated with the characteristics of the immigrants themselves rather than with White racism by the indigenous population. The emphasis here was put on language problems and on the need to adapt to a different country. In this way, specific problems associated with institutional racism and individual discrimination by employers, housing agencies, trade unions and even local government, as well as by individuals through racist physical and verbal abuse and attacks were neglected. Emphasis is put more upon cultural adaptation, on multicultural and multi-racial approaches to solving the problems, rather than upon tackling White racism. Another problem is that the difficulties faced by 'coloured' immigrants are reduced to simple variants of class based problems and frequently insisted that the problems they faced were faced by many working class White people also and hence nothing to do with the problems of racial discrimination.

When the nation-state is understood along racist and nationalist lines, then, despite the universal range of the rights it offers the inhabitants, it denies the same rights to those who are different (Shabani 2007: 88). In line with the embarrassment that prevails today over the direct raising of the perceived problems by racial minority groups, various other respectable and prominent use of notions like 'culture' or 'ethnicity' and now 'religion' (Islamic fundamentalism, for instance) have come to replace the more negative notion of 'race' (Shah 2000: 4) but implies the same. To conclude, a critical analysis of British immigration policy indicates that in spite of the ideals of liberal democracy and fair treatment, the Immigration Policy has been restrictive in practice, having strong undercurrents on racial lines intended to restrict and exclude the entry of the non-white, non-English speaking Commonwealth immigrants.

CHAPTER IV

LOOKING FORWARD TO A COMMON EU IMMIGRATION POLICY

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IV.1. Introduction

The EU's emergence as a leading global political and economic actor is a significant, exciting and inspiring development that challenges the traditional realist thinking of the modern history. The signing of the EU's founding Treaty of Rome on 25 March 1957 (came into force on 1 January 1958), creating the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM)[1] was followed rapidly by a mass of initiatives designed to draw EU members into an ever closer economic and political union (Islam 2007: 1). But in several areas the harmonisation is yet to be completed and immigration has been one such area which has lagged far behind the other policy areas of Europeanization, despite its clear link with the single market project and the stated goal of free movement of labour (Luedtke 2005: 86).

The 1990s were marked by landmark decisions to break down internal barriers and to create a single European market coupled with the historic introduction of a single European currency and vital moves to take in Eastern European members. Inspite of these achievements, the EU is facing with doubts and uncertainties about a new constitution; evolving of common policies more importantly in the sphere of immigration; expanding membership to include Turkey which is a largely Muslim nation; revamping the economy in the state of global melt down and attaining a global power status to rival the US. In this broader context of its concerns over the single market economy, internal border free space and shared external borders coupled with the growing security issues including the threats like terrorism, human trafficking, money laundering and such other transnational crimes, the issue of immigration became high on the EU's agenda as it could be effectively resolved only through common action.

[1] Established under Treaty of Rome Euratom commenced operating on 1 January 1958 with the aim of conducting research and developing nuclear energy, creating a common market for nuclear fuels and supervising the nuclear industry. Euratom's institutional structure comprised of a Commission, a Council of Ministers, a Court of Justice and an Assembly. On 1 July 1967 the institutions of Euratom, ECSC and the EEC were merged (Blair 2006: 163).

There is indeed a growing demand about the need for the development of a Common Immigration Policy for Europe which calls for a new approach towards migration with the objective of better managing the migratory flows though the past experiences shows that it is not an easy task. Immigration policy has become one of the major challenges of European policy making today. On the one hand, freedom of movement within the EU has meant that the issues of immigration and asylum can no longer be settled by the member states on their own; on the other, the pressure for immigration from the EU's neighbouring countries, especially from North Africa, is constantly increasing. At least two billion additional inhabitants, and perhaps closer to three billion, will be added to the world over the next five decades, virtually all in the less developed regions, especially among the poorest countries in Africa and Asia (Islam 2007: 1) and this will follow a population inflow from these highly populated areas to the developed countries of Europe. Hence there is no doubt that the political and economic challenges of immigration can only be met by action at the community level. The development of European law has, since the latter half of the 1980s, increasingly been taken these policy needs into account (Dr. Varvitsiotis 2006: 7).

Despite the various measures in this regard, from the adoption of the Single European Act (SEA) in 1985 which set out measures for the common control of external borders and regulations on the entry and residence of TCNs and the aim of closer cooperation between the member states on immigration and asylum policy, the path to the ultimate goal has been full of difficulties and contradictions. The changing global and European scenarios, more noticablely, the problems of population ageing[2] and low fertility rates accompanied by the productive demographic deficit meant that Europe needed young foreign workers to fill labour shortages in both the skilled and unskilled sectors of the economy compelling the Europe to reconsider its policy options

[2] According to a January 2006 Green Book published by the European Commission, Europe's working-age population will drop by 20 million by 2020 even with the present rate of immigration. Immigrants' incomes and tax revenues are also needed to prop up Europe's creaking pension and health care systems. According to recent figures, the working age population in the EU is expected to decrease by 52 million by 2050. The share of the population aged between 0 and 14 will also be reduced, from 16.4 percent in 2004 to 13.4 percent by 2050, while the proportion of elderly people (aged 65 and more) is expected to almost double over this period, from 16.4 percent in 2004 to 29.9 percent in 2050. The proportion of very old people (aged 80 and more) is expected to almost triple in the EU, from 4.0 percent in 2004 to 11.4 percent in 2050. The decreasing numbers of young people and increasing numbers of senior citizens enjoying longer life expectancies is having an immediate economic impact through increasing health care and pension costs. Expenditures to support Europe's ageing population will undoubtedly require that governments raise taxes, cut spending in other areas or make people pay more out of their own pockets in order to maintain their existing healthcare systems (Islam 2007: 4).

compatible to its demands, whereas some member states were reluctant to open its doors wide open to the immigrants from outside its national border. Within the institutional policy making process of the EU, national level interests and decision making would remain crucial (Lahav 2004: 57). The irony is that while Europe needs young foreign workers, public hostility towards migrants and asylum seekers seems to be on the higher side, as in the case of Britain mentioned in Chapter III. Racist and xenophobic political parties like National Front in Britain, Republikaner in Germany, Progress Party in Denmark, Freedom Party in Austria etc. are all increasingly popular throughout the continent (Baumgartl and Favell 1995: 390). Even though EU was successful in creating a Common Travel Area through the Schengen Agreements and the facing out of internal border control, the three opt-outs,[3] Britain, Ireland and Denmark, to the immigration, asylum and visa policies shows that the member states want to retain their sovereignty in this highly sensitised issue area of border controls.

But, that there were only three opt outs did not mean that rest of the twenty four countries were whole heartedly supporting or opposing the EU's call for a Common Travel Area and thereby a Common Immigration Policy. Several EU member states like Spain, by opening up their doors for labour migration, had started taking actions to recruit migrants in its labour demanding sectors of the economy, usually allocating them in low paid, low skilled, hard jobs which many EU nationals were no longer interested in doing; while several other countries like Britain were in need of particularly skilled employees and were hence ready to take in only those with highly skilled professional capacities in reaction to the short term economic concern about skill shortages in some sectors of employment, the IT sector, for instance. At the very same time there were countries like Germany and France who were out-rightly against the concept of liberal migration policies of any kind. The biggest hurdle before the EU towards a Common Immigration Policy has thus been to coordinate these diverse as well as opposing national interests and to check irregular migration and the abuse of asylum systems and at the same time ensure humanitarian considerations to the asylum

[3] Opt-out refers to the decision to grant a member state the ability to not take part in a specific EU policy area. The benefit of granting an opt-out is that it allows the EU to make progress where there would otherwise be a stalemate because of the reluctance of a member state or many to accept a particular policy. Other examples of opt-outs include the decision to allow Britain not to participate in the third stage of Economic and Monetary Union (EMU) and agreements with Denmark on EMU, the defence policy and the European citizenship (Blair 2006: 248).

seekers and hence to attain a humanised policy with equal importance to the rights of immigrants and their well being in the host country. The establishment of a single market system and common currency 'Euro' has given a positive picture of hope of a larger cooperation between the current twenty seven member states in the immigration policy initiatives. On the contrary, what made the issue complicated was that the purview of a Common Immigration Policy was a highly volatile core issue area that makes the journey towards a Common EU Immigration Policy difficult and unattainable in the immediate future. A timeline of the trajectory of the evolving Common EU Immigration Policy is drawn out herein (See **Table IV.1**), which covers the major initiatives.

IV.2. Towards the Development of a Common EU Immigration Policy since 1980s

The road to a Common EU Immigration Policy could be a long and difficult one but a start has been made long back. The prospective policy would take into account all aspects of immigration including not only economic migration, family reunification, temporary residence for those with specialised skills, reception of refugees, and granting of asylum, but also the managing of illegal immigration and trafficking of human beings together with return measures, readmission agreements and securing of the external borders (Dr. Varvitsiotis 2006: 9). Control and openness are the two aspects central to the immigration policy currently under development at European level. Convergence of policy is seemed to have been achieved much faster on control, while various reservations still exist on openness, especially by certain member states (Apap and Carrera 2003: 1), Britain being an apt example. The detailed examination of various treaties, agreements, policies and measures towards the development of a common EU immigration policy since 1980s is attempted in this Chapter. The creation of the TREVI (Terrorism, Radicalism, Extremism and International Violence) Group in 1986 to promote greater cooperation among member states with regard to the granting of visas and as a means of improving controls at the EC's external borders is noteworthy in this regard. Since this study focuses primarily on the legal migration rather than asylum and illegal migration, it presents only a trivial and passive reference of the EU policy outcomes in these fields.

Table IV.1 Timeline of the History of the Common EU Immigration Policy

Year	Treaty
1985	Single European Act
1986	Trevi Group
1989&1990	Schengen Agreements
1990	Dublin Convention
1992	Maastricht Treaty
1997	Amsterdam Treaty
1999	Tampere Summit
2000	Cotonou Agreement
2000	Commission Launches Debate on the Common EU Immigration Policy
2001	Laeken Meeting
2002	Return Action Programme
2002	Comprehensive Plan to Fight Illegal Immigration and Trafficking
2002	Seville Meeting
2003	Thessaloniki Summit
2003	2003 Year's Directives
2004	AENEAS
2004	Handbook on Integration
2004	Hague Programme
2005	Hague Programme Action Plan
2005	Green Paper on the Policy Plan on Managing Economic/Legal Migration
2006	Assessment Report on the Implementation of the Hague Programme and Annual Report on Migration and Integration
2007	Lisbon Treaty

IV.2.1. The Single European Act, 1985

Closer cooperation between the EU member states on asylum and immigration policy began in the second half of the 1980s, with the adoption of the Single European Act in 1985, which aimed to prepare the way for the integration of the EU. Among the key points, the Act set out measures for the common control of external borders and regulations on the entry and residence of TCNs. In Article 8A of the Act, the member states agreed to create common policies for political asylum, immigration, visas and police measures of terrorism, drug smuggling etc (Neal 2007: 149). Although each of these was addressed in various Conventions, only those relating to border formalities were enacted under the Schengen Agreement which succeeded the Act.

IV.2.2. The Schengen Agreements, 1989 and 1990

The Schengen Agreement (Schengen I) of 1985 and the Convention of 1990 implementing the Schengen Agreement (Schengen II) partly abolished internal border controls between the EU member states. Schengen I was an agreement reached at the inter-governmental level, without involving EU institutions; it initially concerned the Benelux[4] countries, France and Germany. The precise executive provisions were adopted only in the Schengen Agreement II. The signatory states agreed upon common external border controls, the requirements for entry and residence of TCNs, responsibility for dealing with asylum applications, and the organisation of the Schengen Information System (SIS).[5] Schengen II stipulated that the signatory countries are required to impose sanctions for unauthorised crossing of external borders in places other than the designated frontier points. In addition, the Convention implementing the Schengen Agreement II stipulated that, in the event of unlawful border crossings, the country responsible for examining the asylum application would

[4] Benelux is the customs union of Belgium, Netherlands and Luxembourg, which was agreed to by treaty in February 1958 and came into effect on 1 November 1960. All three countries were original members of the European Community and have most part been advocates of closer European integration. The aim of Benelux is to coordinate the macroeconomic and budgetary policies of the member countries with a view to promoting economic stability. It is governed by a Committee of Ministers assisted by an institutional structure comprising a Secretariat, Court of Justice, Economic and Social Committee and Inter-parliamentary Council (Blair 2006: 93).

[5] The Schengen Information System is an international computerised database used for obtaining information on persons and property. It is an aid to the transnational fight against crime, including entry of undesirable persons.

be the member state whose external borders the asylum seeker first crossed. The full removal of border control was agreed to in March 1995 in the wake of the establishment of the SIS. This represented a significant delay on the initial goal of opening up borders by 1990. Thus, apart from the removal of the internal borders, the Schengen Agreement included common rules on asylum, joint initiatives on combating drug related crimes, the right of police to follow suspected criminals across borders in hot pursuit, the establishment of a common list of countries whose nationals require visas, the separation in airports of passengers travelling within the Schengen Area from the other passengers and through SIS the access for police forces and consulates to a shared database of wanted people and stolen items.[6] Police also had extra powers to track crimes and carry out surveillance across borders. The EU provided almost 1 billion Euro to the new members to bring their border and visa regimes up to Schengen standards, and it inspected their border controls repeatedly for giving West Europeans a sense of confidence since the EU's common frontier now reached the Balkans, Belarus, Russia and Ukraine. Other than this, a new generation of the SIS is currently under development. The new system termed as SIS II has a greater capacity as well as the capability to store and exchange biometric data. But the persistent delays in developing and testing the new system could mean that it will not be in use until at least September 2009 (Dr. Varvitsiotis 2006: 17).

IV.2.3. The Dublin Convention, 1990

In 1990, the Dublin Convention was signed as an attempt to harmonise the policies on granting asylum and entered into force in 1997. This was the first time that the EU responded to this issue in a formal manner whereas until then the commitment of the EU member states to recognise asylum was based on Article 14 of the Universal Declaration of Human Rights of 1948 and Article 1A of the Geneva Convention of 1951 which was further strengthened by the Protocol on the Status of Refugees of 1967. The purpose of this Convention was to specify which member state would be responsible for examining applications for asylum which have been submitted in one

[6] Currently 22 member states are part of the Schengen area, where passport checks and border controls have been abolished. On 21 December 2007, the Schengen area underwent historic eastward expansion, taking in new EU members Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic. The area also includes three non-EU members, Iceland and Norway and Switzerland. Britain and Ireland have chosen to maintain their border controls indefinitely, while Bulgaria, Cyprus and Romania are not yet ready to join (Blair 2006: 266).

of the member states of the European Communities as well as its responsibilities in regard to implementing the asylum procedure. Since the entry into force of the Dublin Convention, the Schengen II provisions governing the granting of asylum have ceased to apply. The provision on first responsibility, in the event of illegal entry, remains in force (Dr. Varvitsiotis 2006: 18).

IV.2.4. The Maastricht Treaty, 1992

The Maastricht Treaty of 1992 also called the Treaty on European Union (TEU), was signed in 1993 and the immigration and asylum policy was given a central position as part of the third pillar[7]dealing with the 'cooperation in the field of Justice and Home Affairs' (JHA),[8] and thus made it an issue of common interest for the EU. In the field of immigration policy, cooperation is instituted between the member states, particularly in connection with entry and residence requirements and combating illegal immigration, illegal residence and illegal employment of TCNs. However, the provisions on cooperation between the member states in the third pillar lacked any detailed reference to the specific aims which they were to achieve. Furthermore, within the scope of the third pillar, unlike the first pillar, it was not permissible to impose any supranational instruments of law. This means that legal acts under the third pillar are neither binding, nor directly applicable, nor do they take precedence over internal national law (Dr. Varvitsiotis 2006: 18).

IV.2.5. The Amsterdam Treaty, 1997

With the signing of the Treaty of Amsterdam in 1997, the Area of Freedom, Security and Justice (AFSJ) was established when the treaty came into force on the 1 May 1999. The initiative was borne out of the desire to promote greater freedom of

[7] Pillar is a term that has been used to describe the structure of the EU. The first pillar includes European Communities, where the European Commission, European Parliament and Court of Justice are able to exercise their full powers, with the majority of all policies falling within it. The second and third pillars are essentially based on inter-governmental co-operation. Pillar II includes the Common Foreign and Security Policy (CFSP) and Pillar III includes JHA. This system was later amended by the Treaty of Amsterdam and further change in the structure was proposed in the failed draft Constitutional Treaty of 2004 which called for a merging of the three pillars (Blair 2006: 252).

[8] EU policies on immigration, asylum, border controls and crime are subsumed under the term JHA. JHA-related policies account for nearly 40 per cent of new laws emerging from Brussels. Since JHA policies could be politically sensitive, initiatives in this area have to strike a careful balance between facilitating cooperation and preserving national sovereignty. Therefore until the Treaty of Nice, all JHA policies were decided by unanimity, with a very limited role for EU institutions, such as the European Parliament and Court of Justice (Brady 2008: 18).

movement for individuals within the EU and at the same time to provide means for more effective coordination to combat crimes. The Treaty, under Articles 12, 13 of the EC, had also given the EU the capacity to act against discrimination based on nationality, racial or ethnic origin (Collins 2001: 442). The questions of immigration, visas, asylum and other policies related to the free movement of persons moved from third pillar to the first pillar, and thus came within the competence of European Community law, under Title IV of the EC Treaty, Articles 61-69 (Apap and Carrera 2003: 1). In this way, the community status of these policy areas was confirmed which meant, in particular, that these important policy areas would be regulated on the basis of proposals made by the European Commission at the EU level, with binding force, in legal terms. In addition, as from the day of entry into force of the Treaty of Amsterdam, the EU merged the Schengen agreement on borderless travel into it thereby making the border and immigration cooperation legally binding, but still with a requirement for unanimity. Thus the subject matter of the Schengen Agreements of 1985 and 1990 was transferred to the institutional and legal framework of the EU known as the Schengen Protocol. This transfer of powers signified a huge increase in the EU's powers and the relative loss of individual member state's powers in sensitive and significant areas like immigration. It also called for the harmonisation of the participating countries' policies regarding the law on asylum, immigration and external border controls, within a timescale of five years[9] after the entry into force of the Treaty. For the first time the EU legislative machinery had a mandate to enact EU

[9] Within five years of the entry into force of the Treaty of Amsterdam, the Council, in the field of internal and external border controls, was to decide upon: a) measures ensuring that persons, whether EU or TCNs, would not be checked when crossing internal borders, b) measures relating to crossing of external borders of the member states, c) measures on defining the conditions under which TCNs enjoy freedom of movement during a three month stay in a member state. The measures which must be examined in the field of immigration are aimed at: a) harmonisation of the conditions of entry and residence, and the procedures for the issuance of longer term visas and residence permits by the member states, including measures for family reunification, b) the fight against illegal immigration, including return of illegal immigrants to their country of origin, and c) the elaboration of the rights and conditions on the basis of which TCNs residing legally in a member state can reside in other member states. As regards the rules which are to be examined in the field of the law on asylum and refugees, these concerned: a) criteria and procedures for deciding on the member state which is competent to examine a TCN's asylum application to a member state, b) minimum requirements for receiving asylum seekers in a member state, c) minimum requirements for recognising TCNs as refugees, d) minimum requirements for the procedures of recognising or rejecting refugee status in the member states, e) minimum requirements for temporary protection of expelled persons from third countries who cannot return to their country of origin, and persons requiring other international protection, and f) promotion of burden sharing among the member states which are burdened with the admission of refugees and expelled persons and with the consequences of such admission (Dr. Varvitsiotis 2006: 19).

legislation on TCNs. Until the entry into force of Amsterdam treaty, TCNs were not covered by the provisions of community law thus facing a rather low degree of protection in the form of guaranteed rights at the national as well as at the European level.

The Treaty also stipulated that there should be no impact on the powers of the member states with regard to the maintenance of public order and protection of their internal security. If a member state considered itself to be in a state of emergency because of a sudden influx of TCNs, it could take temporary measures of a six month maximum duration. Furthermore, the member states would not be prevented from retaining or introducing national rules provided these did not conflict with the TEU or International Conventions. In May 2004 the deadlines for the transitional five year period of the Amsterdam Treaty ended for those European regulations which were supposed to create a common European asylum and immigration system. On the one hand, it was surely true to say that in some important areas national asylum and immigration policy has long become unthinkable without the EU. The Community had gained enormous competence in the delicate area of immigration and asylum policies with the Treaty of Amsterdam, particularly regarding policies of visa as well as most asylum and refugee issues, European law in this area becoming binding and justifiable, and superior to national legislation. National veto power on immigration and asylum policies within the European institutions was gradually reduced and the European Parliament's competences were gradually extended. According to Article 67 (2) of the EC Treaty, the Council shall, after the transitional period that has ended since May 2004, vote to change the decision making rules. It could, then, vote by qualified majority (QMV)[10] and the European Parliament would gain co-decision competences, although, still not in all aspects of immigration (Dr. Varvitsiotis 2006: 22).

IV.2.6. The Tampere Summit, 1999

The Tampere European Council or the Tampere European Summit on 15-16 October 1999 aimed to establish an equitable balance between freedom, security and justice which were set out the elements required for an EU Immigration Policy. This Summit

[10] This is one of the methods by which the Council of Ministers comes to a decision. Votes are divided among the member states in proportion to the relative size of their population. Over a period of time there has been a gradual increase in the number of policies that are covered by QMV (Blair 2006: 258).

meeting was particularly important because within its scope, the policy guidelines and specific aims in the field of a common immigration and asylum policy were agreed upon. According to the Tampere Summit, the Policy: a) should be based on a comprehensive approach to the management of migratory flows so as to find balance between humanitarian and economic admission; b) should include fair treatment for TCNs aiming as far as possible to give them comparable rights and obligations to those of nationals of the member state in which they live;[11] c) the key management in strategies must be the development of partnerships with countries of origin including policies of co-development. [12]

In its presentation of the final conclusions, the European Council gave a reminder that the formulation of a comprehensive European immigration plan should also examine issues arising in connection with politics, human rights and development in the countries and regions of origin and transit. Thus, particular importance was attached to a preventive policy whose success heavily depended on the partnership with the third countries. Emphasis was also placed on the importance of a common European asylum system, which should be based on the application of the Geneva Convention relating to the Status of Refugees of 1951.

Paragraph 18 and 21 of the Presidency Conclusions called for the creation of a uniform set of rules through which fair treatment of TCNs residing legally in the EU would be ensured. This body of law should be also 'as near as possible' to those enjoyed by EU citizens, thus providing a 'true equal treatment' for EU and non-EU nationals alike. However, equal treatment was far from being achieved and has largely remained more a vision than a reality (Apap and Carrera 2003: 2). The European Council in Tampere also stressed the need for a dynamic integration policy, which will aim to grant the immigrants several rights and responsibilities comparable to those of EU citizens and the promotion of non-discrimination in economic, social and cultural life, and the development of measures to combat racism and xenophobia. Unless

[11] Paragraph 21 of the Presidency Conclusions of the Tampere European Council, SN 200/99 stated that "a person who has resided legally in a member state for a period of time to be determined and who holds a long-term residence permit, should be granted in that member state a set of uniform rights which are as near as possible to those enjoyed by EU citizens" (Apap and Carrera 2003: 1)

[12] This paragraph draws mostly from the information provided titled "Towards a common EU immigration policy" accessed on 4 February 2009 from the official website of the European Union at http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm#.

immigrants were successfully integrated, it was not be possible to fully develop the EU's potential, and the EU would not evolve into a genuinely competitive, dynamic and knowledge based economic area. Another important development was the Council's decision to combat illegal immigration, mainly by taking measures against the individuals who bring in the immigrants or financially exploit them. This could be achieved, according to the Council, through closer cooperation and mutual technical support between the authorities carrying out border controls in the EU member states.

IV.2.7. The Cotonou Agreement, 2000

The Cotonou Agreement signed on 23 June 2000 aimed at building a partnership between the EU and 78 countries situated in the Africa, the Caribbean and the Pacific (ACP)[13] on various issues including immigration. Migration dispositions in this agreement included the issue as a prominent element of the political dialogue which sought to explore different dimensions of co-operation (Article 8 and 13). Moreover, management of migration was one of the priorities in the field of technical cooperation, which should assist ACP in developing national and regional manpower resources and reverse the brain drain (Articles 79 and 80) (IOM 2003: 261).

IV.2.8. The Laeken Meeting, 2001 and the Return Action Programme, 2002

The meeting of the European Council held in Laeken, Belgium on 15 December 2001 reiterated the major guidelines and objectives, as formulated at Tampere. The member states adopted a 'Declaration on the Future of the EU' which is commonly known as Laeken Declaration which called for the EU to be more democratic, effective and transparent. There was criticism of the fact that the Common EU Immigration Policy was progressing too slowly and on a more limited scale than had originally been envisaged. In February 2002, the Council adopted a comprehensive plan on how to fight illegal immigration and trafficking in the EU. In December the same year, they

[13] The term given to the developing countries that has an association agreement with the EU. Whereas the original provisions were directed towards the former colonies of the initial six countries which formed the ECSC and documented by the 1963 and 1969 Yaounde Convention, the enlargement of the Community has brought new members into the agreement which, although initially covered by the Lome Convention of 1975, have since 2000 been covered by the Cotonou Agreement. A majority of the 78 ACP states, which comprise a total population of approximately 650 million, are extremely poor and underdeveloped. (Blair 2006: 81)

adopted a Return Action Programme which develops measures and guidelines in the field of return of illegal residents.[14]

IV.2.9. The Seville Meeting, 2002

Another important meeting of the European Council took place during the Spanish presidency, in June 2002 in Seville, where the EU member states continued their efforts to achieve quicker implementation of the programme which had been approved at Tampere. In Seville, the schedule for joint action was finalised. Once again it was stressed that it was of crucial importance to the member states that the flow of immigrants should be controlled in conformity with the law and in cooperation with the immigrants' countries of origin and transit. The European Council also requested the subsequent presidencies to deal with immigration issues as a priority, especially those relating to illegal immigration and protection of the EU's external borders. In particular, the southern member states, Greece and Italy, had to respond to this request within the framework of their presidencies in 2003 (Dr. Varvitsiotis 2006: 21).

IV.2.10. The Thessaloniki Summit, 2003

The European Council requested the European Commission at the Thessaloniki Summit in June 2003, amongst other things, to draw up an annual report on immigration in Europe. The report was to contain the facts and information on immigration and the plans and measures relating to immigration and integration throughout the EU. It was to contribute towards the development and promotion of political initiatives aimed at a more effective approach to the immigration policy in Europe. The focal point of the Thessaloniki talks was again the questions of immigration, asylum, borders and integration. It was also proposed that a European agency for external borders should be set up, for overall protection and control of external borders, and this was to be put into operation with its headquarters in Warsaw from May 2005. Another request made by the Council to the Commission was the development of a common Visa Information System (VIS) on the basis of biometric data, which would create uniform documents for TCNs. Emphasis was also placed on the importance of creating a separate Community mechanism which would strengthen

[14] This paragraph draws mostly from the information provided, titled "The history of European immigration Policy", in the EU website www.europa.eu.inc accessed on 4 February 2009.

the existing cooperation between member states in enforcing the policy of compulsory return of illegal residents to their country of origin. The need for a global policy on integration was emphasised once again at Thessaloniki as it had been at the Council meetings which followed the Tampere Special Meeting. Key points of this policy included integration of immigrants into the job market, access to health and social services, and connecting immigrants to the social and cultural environment of the host society.

Effective border protection and effective monitoring of the waves of immigration were also key points of immigration policy during the Italian presidency in the second half of 2003. Emphasis was again placed on the importance of dialogue with the third countries which are countries of origin and transit. In addition, the European Council called upon the Commission, the Council and the member states to facilitate, as far as possible, the Community's successful conclusion of agreements on readmission of illegal residents between the EU and third countries. The Council also specified a mechanism for protecting borders and assessing third countries in connection with the fight against illegal immigration, and requested the Commission to submit, by the end of 2004, the first report on the application of this mechanism.

Yet another move was the call for a Draft Constitutional Treaty that had been presented to the Thessaloniki Summit as a result of the work conducted under the 'Convention on the Future of Europe' between March 2002 and June 2003, encouraged by the Laeken Declaration. The new Constitutional Treaty was influenced by the desire to provide a simpler and more accessible set of rules to EU through the consolidation of all the previous treaties into one single document. Among the productive provisions incorporated were the inclusion of AFSJ to the areas of shared competence under Article I-14 of the Constitutional Treaty (Church and Phinnemore, 2006: 50) and also a term to get rid of the national veto in some areas, such as immigration and asylum policy. It also determined QMV and the co-decision procedure for all the EU measures on immigration and asylum, except for legal migration. It also stressed the alteration of the pillar system by merging the three pillars into one, but providing a reservation to protect particular procedures relating to the CFSP. Yet the implementation of the Treaty has been hampered by the Treaty

having rejected in referendums in France in May 2005 and in the Netherlands in June 2005 (Blair 2006: 126-127).

IV.2.11. The 2003 Year's Directives, 2003

In 2003, the European Council adopted Directives regarding the EU long term resident status and family reunification. In March 2004, the European Parliament and the Council adopted a Regulation to establish AENEAS, a programme for financial and technical assistance to third countries in the area of migration and asylum. It stretched from 2004 to 2008 and controlled an overall budget of 250 million Euros. In November 2004, the first edition of 'the Handbook on Integration' was published, which was made available in more than 21 different languages.[15] Despite the European Commission's efforts to prepare a whole package of proposals that would provide the basis for a legal framework to open legal channels for immigration as well as to extend certain rights pertaining to the EU citizenship, clear political direction and commitment could not be reached within the Council.[16]

IV.2.12. The Hague Programme, 2004

On 4 November 2004, the European Council adopted the Hague Multiannual Programme. This Programme sets the goals and objectives that should be implemented for strengthening the AFSJ during the period 2005-10. The Hague Programme has taken into account the European Commission's final evaluation of the Tampere Programme as well as the comments from online consultation with European citizens. In order to carry out the Hague Programme, the European Council invited the European Commission to present an Action Plan and it was presented in May 2005 and on 2-3 June 2005. The Justice and Internal Affairs Council adopted the Action Plan implementing the Hague Programme through specific measures, particularly the correct and prompt enforcement of legislative instruments and their incorporation into national law, their assessment in practice, and the setting of new aims within a specific

[15] In May 2007, the second edition of the 'Handbook on Integration for Policy Makers and Practitioners' was issued as a driver for the exchange of information and good practice. It focused on mainstreaming immigrant integration, housing in an urban environment, economic integration and integration governance. A third edition is being planned for 2009.

[16] This paragraph draws mostly from the information provided, titled "The history of European Immigration Policy", in the EU website www.europa.eu.inc accessed on 4 February 2009.

time frame. It included the aims and objectives of the Programme translated into concrete actions and detailed measures, and it had a timetable to follow through the implementation. The Hague Programme Action Plan is divided into ten priorities that covered all the objectives of the Hague Programme, the management of migratory flows and the need to define and develop the EU Immigration Policy is one of the key elements ((Dr. Varvitsiotis 2006: 43-44)

Some member states like Britain, Ireland, Germany, Denmark etc. have continued to insist on retaining their domestic competences in the field of legal migration. The Hague Programme, therefore, retains unanimous voting than the QMV and national veto opportunities as well as restricted parliamentary rights for legal long term migration on TCNs; the freedom to travel for TCNs for up to three months and but also some other measures such as the abolition of internal border controls between the member states, standard external border controls, measures of illegal migration, burden sharing regarding asylum and family law aspects of the civil law (Bendel 2005: 22-23). Shortly, the member states used a special *passerelle* clause[17] in the Treaty of Nice of 2001 to move decisions on asylum and immigration to QMV, except for legal migration. Further changes were made to the JHA area under the Treaty of Lisbon, which followed.

[17] A Passerelle Clause also, known as an Escalator Clause is a clause within treaties of the EU, referring to the possibility of (i) either moving a policy area from the intergovernmental third pillar to the supranational first pillar, or (ii) changing a special legislative procedure into the ordinary legislative procedure, or (iii) change the voting rules in the council from unanimity to QMV or (iv) the extension of the article's scope of application. Using these articles require unanimity among all the governments, but not difficult to amendment treaty and ratification procedures that would require the approval of national Parliaments and/or by a national referendum. Until now all passerelles have had a specific purpose. The Lisbon Treaty introduces generel passerelles and proposes the introduction of two general passerelles in Article 48 of TEU. The first passerelle makes it possible changing the procedure for adopting laws and framework laws from a special legislative procedure to the ordinary legislative procedure for policy areas. The second passerelle makes it possible to move from unanimity voting to QMV in the Council for all policy areas except defence. Using these articles will require unanimity amongst the governments and national ratification according to Art. 48.2 TEU. Prime Ministers avoid national ratification by using Art. 48.7 - the simplified revision procedure. This information is largely drawn from http://en.euabc.com/word/777.

IV.2.13. The Lisbon Treaty, 2007

The EU countries signed the Treaty of Lisbon in December 2007. If ratified,[18] it will switch all remaining EU decisions on asylum, immigration and integration to QMV after 2009 including new laws on entry requirements for non-EU nationals. However, the Treaty (Brady 2008: 18-19) also makes clear that member states have an exclusive right to determine the numbers of foreign nationals admitted to their territory and that cooperation on integration is supplementary and not about the harmonisation of laws. The European Parliament already has an equal say with national ministers in most EU legislation dealing with immigration, border and visa issues. But under the Treaty, it will gain a stronger say in both legal and illegal migration measures. The opt-out of Britain, Ireland and Denmark will not change under the new treaty. The Lisbon Treaty[19] states for the first time that, the member states will support any EU country faced with a sudden influx of refugees though it does not specify how this obligation would work in practice. The text also strengthens the Commission's legal standing to negotiate agreements with home countries to take back illegal immigrants.

Other than the above treaties examined, there are a number of communications by the European Commission in this regard which are actually the extensions of the treaties itself. As the scope of this study is limited only to those relating with legal immigration are examined here; the communications with regard to illegal migration as mentioned, are largely omitted.

IV.3. Commission Debate on the Policy Plan on Legal Migration

One of the initial steps of the European Commission towards creating a Common EU Immigration Policy was a Communication to the European Council and the European Parliament in November 2000 'On a Community Immigration Policy' (COM (2000)

[18] This new treaty is the result of negotiations between EU member countries in an intergovernmental conference, in which the Commission and Parliament were also involved. The Treaty will not apply until and unless it is ratified by each of the EU's 27 members. It is up to each country to choose the procedure for ratification, in line with its own national constitution. According to Article 6 of the Treaty of Lisbon, "this Treaty shall enter into force on 1 January 2009, provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory State to take this step. Currently (as on 23.05.09), 26 member states have already approved the Treaty and 23 have deposited their ratification instruments in Rome. For details, see the EU website at http://europa.eu/lisbon_treaty/take/index_en.htm.

[19] For more details, see EU website at http://europa.eu/lisbon_treaty/glance/index_en.htm.

757, 22.11.2000). The aim was to launch a debate on issues of immigration with the other EU institutions and with the member states and civil society. The Commission recommended a coordinated approach in which the following should be taken into account:[20] a) the economic and demographic development of the EU; b) the capacity of reception of each member state along with their historical and cultural links with the countries of origin; c) the situation in the countries of origin and the impact of migration policy on them, for instance, the brain drain; d) the need to develop specific integration policies based on fair treatment of TCNs residing legally in the Union, the prevention of social exclusion, racism, xenophobia and the respect of diversity. The communications underlined the need to foster a 'proactive' immigration policy, i.e. a policy that instead of focusing on vain attempts to prevent and stop immigration, would try to open up legal channels and help address the needs and gaps of the European labour market. The Commission also expressed the urgency to adopt a more flexible approach common to all member states on the issue of legal immigration.

In July 2001, another communication on 'An Open Method of Coordination for the Community Immigration Policy' (COM (2001) 387 final, 11. 07.2001) was followed which recognised that the adoption of an open method of coordination and the exchange of information between the member states on the implementation of the common policy were the more appropriate to stimulate the further development of a Common Immigration Policy. The procedure comprised of attaining an agreement on a number of European objectives or guidelines which member states would then incorporate into national action plans which would be reviewed on a regular basis. Again, in June 2003, the Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the regions 'On Immigration, Integration and Employment' (COM (2003) 336 final, 3.6.2003) was presented at the Thessaloniki European Council which called on the EU member states to step up their efforts to integrate immigrants and also highlighted the need to develop a sound immigration policy in parallel with a 'holistic integration policy' (Apap and Carrera 2003: 3) which included the aspects of employment, economic participation, education, language training, health, and social services, housing, town planning, culture and involvement in social life. Despite the European

[20] This paragraph draws mostly from the information provided, titled "The history of European Immigration Policy", in the EU website www.europa.eu.inc accessed on 4 February 2009.

Commission's efforts to prepare a whole package of proposals that would provide the basis for a legal framework to open legal channels for immigration as well as to extend certain rights pertaining to EU citizenship, a clear political direction and commitment have not yet been reached within the Council. This could be seen clearly by reviewing the Commission's Communication to the Council and the European Parliament on the biannual update of the scoreboard to review progress on the creation of an AFSJ in the EU (COM (2003) 291 final, 22.5.2003). Yet again, a network of National Contacts Points on Integration has been set up which had to meet regularly to exchange and discuss best practices. The Network provided valuable input for the preparation of 'The Handbook on Integration' published in November 2004 which was a main achievement during the five year period of implementation of the Tampere Programme from 1999 to 2004.

The European Commission put forward a proposal for a Directive on the conditions of admission and stay of TCNs in July 2001. However, due to member states' diverging views on this issue, the negotiations did not lead to the adoption of legislation. With the Green Paper on 'an EU Approach to Managing Economic Migration (COM (2004) 811)[21] in 2005, the Commission re-launched the debate on the need of common rules for the admission of economic migrants. This led to the adoption for a 'Policy Plan on Legal Migration' (COM (2005) 669) in December 2005 where the Commission listed the actions and legislative initiatives that they considered necessary for the consistent development of the EU immigration policy. It suggested five directives; the first one was a general framework directive that would guarantee a number of rights to all TCNs in legal employment. The other four were more specifically concerned with the entry and residence of highly skilled workers, seasonal workers, intra-corporate transferees and remunerated trainees.

In September 2005, the Commission adopted the Communication on 'A Common Agenda for Integration: Framework for the Integration of Third Country Nationals in the European Union' (COM (2005) 389) which provided new suggestions for integrative action both at the EU and national levels. Member states were encouraged to strengthen their efforts with a perspective to developing comprehensive national

[21] This paragraph draws mostly from the information provided in the EU official web site http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm#.

integration strategies, while new ways of ensuring consistency between actions taken at EU and national level were proposed. In the same month the Commission adopted another communication on 'Migration and Development: Some Concrete Orientations' (COM (2005) 390) which constituted the response of the EU to the invitations made by the Council in March 2003 and the European Council in November 2004 to submit concrete orientations to improve the impact of migration on the development of countries of origin in a number of fields. It constituted therefore a contribution by EU immigration policy to the objectives of development policy. The Communication identified a number of concrete orientations in the areas of remittances, facilitating the involvement of willing diaspora members in the development of countries of origin, facilitating brain circulation and limiting the impact of brain drain.

In June 2006, the European Commission adopted its first Assessment Report on the Implementation of the Hague Programme which for the first time, focused on the implementation at national levels. In the same month, the Commission presented the Second Annual Report on Migration and Integration (SEC (2006) 892) which provided an overview and analysis of the migration trends in the EU and a report of the actions taken on integration of immigrants at both EU and national level during 2004. In September 2007, the Commission presented the Third Annual Report on Migration and Integration (COM (2007) 51) thereby continuing the monitoring process of policy developments on admission and integration of TCNs in the EU. The Report provided information on the establishment of the EU framework for integration up to June 2007 and included specific information about the various dimensions of the integration process in member states for the calendar years 2005 and the first half of 2006.

IV.4. Various Acts of the Community Institutions

Together with the treaty provisions and the communications there were various Acts (Dr. Varvitsiotis 2006: 29-42) adopted by the Council of Ministers and the European Commission which had a binding force upon the member states with regard to the efforts towards a Common EU Immigration Policy. They were under four categories

of which three were binding and one non-binding including Regulations,[22] Directives,[23] Decisions[24] and Recommendations which were non-binding resolutions. Among several of the legislative acts dealing with the legal or regular immigration the following needs to be highlighted which include the major achievements during the five year period of implementation of the Tampere programme from 1999 to 2004 also. For the ease of understanding, the relevant Acts are presented under following heads which is just a loose classification and followed only for the sake of convenience.

IV.4.1. On Legal Immigration

According to the conclusions of the Tampere Summit, the EU member states had to develop and promote a comprehensive and multidimensional policy of integrating TCNs who are lawful residents in the EU. This policy had to make an effective contribution, in line with the new demographic and economic challenges which the EU was facing. Certainly, in the recent years, only a few advances have been seen at EU level in terms of a dynamic policy of integration.[25] One exception was the

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[22] Regulations are directly applicable and fully binding on those member states' laws that the regulation is applicable to. It can be adopted by the Council of Ministers on its own, by the European Commission on certain circumstances, and the Council and European Parliament through co-decision procedure (Blair 2006: 264).

[23] Directives are legal instruments by which the Council of Ministers or European Commission can require member states to amend or adopt national legislation by a specific deadline so as to achieve the aims established in the directive (Blair 2006: 148).

[24] Decisions are acts adopted by the Council of Ministers and the European Commission. They have direct effect in law which means no additional national enactment is needed for an EU provision to become a law in a member state, that refer to specific individual cases that can be addressed to firms, individuals or a particular member state (Blair 2006: 141).

[25] Among the group of the legislative acts of the community institutions dealing with the legal or regular immigration the following acts need to be highlighted: 1) Council Resolution of 20 June 1994 on limitation of admission of TCNs to the territory of the member states for employment; 2) Council Resolution of 30 November 1994 on limitation on admission of TCNs to the territory of the member states for the purpose of pursuing activities as self employed persons; 3) Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin of 19 July 2000; 4) Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation of 27 November 2000; 5) Proposal for a Council Directive concerning the status of TCNs who are long term residents, COM/2001/0127 final, 13.3.2001; 6) Proposal for a Council Directive, COM/2001/0386 final, on conditions of entry and residence of TCNs for the purposes of paid employment and self employed economic activity of 11 July 2001; 7) Council Regulation (EC) No. 1030/2002 of 13.06.2002 laying down a uniform format for residence permits of TCNs. 8) Proposal for a Council Directive on the conditions of entry and residence of TCNs for the purpose of studies, vocational training or voluntary service, COM/2002/548 final of 7 October 2002; 9) Council Regulation No. 859/2003 of May 2003 extending the provisions of Regulation (EEC) No.

National Contact Points set up in 2002, which assisted the exchange of information and good practice in the field of integration, with the aim of achieving better coordination of measures at national and EC level. The Contact Points published in November 2004, issued an Integration Manual for practical application and for decision making bodies and contained general principles and policy recommendations for taking steps to integrate immigrants.

Issues relating to TCNs had historically been considered to be of a purely intergovernmental character, residing at the heart of national sovereignty. The major question before the EU was the extent of the status that can be bestowed on them through the key legislative measures as equal to those enjoyed by the EU citizens. In 2003, the Commission launched the Pilot Integration Programmes for TCNs. At the Summit in Thessaloniki in June 2003, the European Council called upon the Commission to submit an Annual Report on Immigration and Integration in Europe containing immigration data and information on programmes and measures in these fields throughout the EU. The First Report on Immigration and Integration was published in July 2004. It should also be mentioned that the European fund for the integration of TCNs and the European Regional Development Fund supported certain measures for the integration of immigrants. In June 2007, the Council conclusions on the strengthening of integration policies in the EU by promoting unity in diversity were adopted as a follow-up to the Informal Meeting of EU Ministers Responsible for Integration that took place in May 2007 in Potsdam. This marked a new step in steering the EU integration agenda.

1408/71 and Regulation (EEC) No. 574/72 to TCNs who are not already covered by these provisions solely on the ground of their nationality; 10) Proposal for a Council Regulation amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for TCNs, and Proposal for a Council Regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas, COM/2003/0558 final of 24 September 2003; 11) The Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification entered into force on 3 October 2003. Member states' legislation had to comply with this Directive not later than 3 October 200; 12) The Council Directive 2003/109/EC of 25 November 2003 on a long-term resident status for TCNs who have legally resided for five years in the territory of a member state entered into force on 23 January 2004. Member states legislation had to comply with this Directive by 23 January 2006 at the latest; 13) A Directive on the conditions of admission of TCNs for the purposes of studies, pupil exchange, unremunerated training or voluntary service was adopted by the Council on 13 December 2004 (Directive 2004/114/EC). It entered into force on 12 January 2005. Member states' legislation must comply with the Directive by 12 January 2007; 14) A Directive for the facilitation of the admission of researchers into the EU was adopted by the Council on 12 October 2005 (Directive 2005/71). Its provisions will have to be implemented by member states by 12 October 2007 (Apap and Carrera 2003: 3-4).

IV.4.2. On External Border Controls

With the abolition of internal border controls in the EU, the need for effective external border control became more urgent. In this respect, a list of the third countries whose citizens must have a visa when crossing the external borders of the EU, and the third countries whose citizens are not subject to a compulsory visa requirement were compiled in 1999, which underwent many changes in subsequent years. In addition, the Regulation on freedom of movement with a long stay visa was adopted in the same year. Measures for a uniform format for visas followed and in November 2003, the Commission submitted two proposals to the Council in connection with this. At the end of 2004, approval was given for the introduction of a common VIS with the aim of creating uniform visa documents for TCNs on the basis of biometric data on the standard form for approval of visas and other residence permits of TCNs. The VIS database amongst other things using the biometric data such as facial features and digital fingerprints is to combat fraud committed with false entry permits. Other important measures were those laying down the procedure and requirements for the issuance of visas by the member states. In 2003, a Regulation was adopted for regulating matters of issuing visas at the border, including those for the seamen in transit.

In addition to these measures relating to visa issuing policy, there were important measures relating to the procedure for carrying out controls at the external borders of the EU. These included the Regulations adopted by the Council whereby the executive powers relating to certain detailed provisions, and the practical procedures for carrying out border controls and protecting borders, and for examining asylum applications, were transferred to the Council. Another measure concerned the Council approval of a Draft Regulation in February 2004 for the creation of a network called Immigration Liaison Officers Network linking government officials specialising in matters of immigration. At the end of 2004, the Commission submitted to the Council a Draft Regulation requiring the competent authorities of the member states to stamp the travel documents of TCNs when they crossed the external borders of the EU.

IV.4.3. On Asylum and Refugees

The progressive development of a unified European asylum system is one of the most important aims of the Common EU Immigration Policy. One of the basic elements of the common European policy on asylum was the specification of criteria and procedures for determining the application for asylum of TCNs in a member state. This question was regulated in Dublin Regulation II which also excluded the possibility of multiple applications and allowed each applicant only one asylum procedure in the EU. Effective application of this Regulation was assured through the creation of Eurodac in January 2003, a system for comparing the digital fingerprints of all asylum seekers from the age of 14.

Another important measure in the field of a common European asylum policy was the adoption in July 2001 of the Directive on Minimum Standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof, i.e. burden sharing. In 2003, the Council officially approved the Directive laying down minimum standards including accommodation, medical and pharmaceutical care, access to education and job market, etc. for the reception of asylum seekers in the member states. In April 2004, the Council officially approved the Directive on minimum standards for the qualification and status of TCNs or stateless persons as refugees or as persons who otherwise need protection and the content of the protection granted. In September 2005, the Commission submitted a Communication on the Regional Protection Programmes for Refugees, which examined the possibilities offered by certain third countries which are near the refugees' countries of origin and could provide them with the necessary conditions of protection. The more recent Joint Measure on Asylum and Refugee Policy is the decision to establish a European Refugee Fund (ERF). Its purpose is to support and encourage the member states in their efforts to receive and respond to the consequences of receiving refugees and displaced persons.

IV.4.4. On Relations with Third Countries

Apart from the need for a coherent immigration plan which analysed the questions arising in relation to politics, human rights and development in those countries, it was

also necessary to support the countries of origin and transit in the fulfilment of their obligations towards the EU in cases of readmission. In recent years, the EU has concluded a series of agreements with third countries like Hong Kong, Macao, Sri Lanka, Albania etc. and negotiations with several others are ongoing on readmission of illegal immigrants. In addition to these agreements, attention is being given to other aspects like admission of deportees. On 10 March 2004, the European Parliament and the Council adopted a Regulation establishing a programme for financial and technical assistance to third countries in the area of migration and asylum (AENEAS). It contained a multiannual programme for 2004 to 2008, with an overall expenditure of 250 million Euros. A new programme entitled 'Thematic Cooperation Programme with Third Countries in the Development Aspects of Migration and Asylum'[26] has been set up within the framework of the 2007-13 financial perspectives. It replaced the AENEAS Programme. As with the AENEAS Programme, the general objective of the new thematic programme was to assist third countries to improve the management of all aspects of their migratory flows. While covering all essential facets of the migratory phenomenon like migration and development, labour migration, illegal migration and traffic in persons, migrants' rights, asylum and international protection, this Programme does not directly addressed the root causes of migration. From a geographical point of view, all third countries covered by the European Neighbourhood and Partnership Instrument (ENPI), the Development Cooperation Instrument (DCI) and the European Development Fund (EDF) are made eligible for the thematic program. However, the focus of the Programme is understood to be principally the phenomenon of migration towards the EU.

The developments in the Common EU Immigration Policy during the first phase of completion of an AFSJ (1999-2004) concerned both the policy on control and admission of immigration and the policy on integration of the migrants. According to the principle of subsidiarity,[27] these powers remained largely the responsibility of the

[26] For details, see information titled "Migration and Asylum overview" by European Commission: Europe Aid" in the EU website http://ec.europa.eu/europeaid/where/worldwide/migration-asylum/index_en.htm

[27] Subsidiarity is a principle which stresses that decisions should be taken by the lowest level of the government and as such if it is not possible to take decisions at the lowest level then the decisions should be passed up to the next, or most appropriate level of government. The basic principles that underpin subsidiarity were initially defined by the Edinburgh European Council of December 1992.

member states. The measures included the administrative cooperation in all areas of immigration policy, protection of the external borders of the EU and action against illegal immigration, the development of a common policy on asylum and refugees, the entry and residence of TCNs who have the right of residence and the integration of immigrants into the EU member states. The development and implementation of measures in all areas of Common Immigration Policy required close cooperation between the administrative agencies participating in this process. For this reason, since mid-2002, the Commission has been applying an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration. The ARGO[28] programme is one among them.

Hence, despite the ongoing process of creating an AFSJ, especially in the field of policy on admission and integration, there are only a few mandatory and legally binding regulatory provisions. Furthermore, some of the member states are either failing to apply the binding decisions immediately or are incorporating their content belatedly into the national legislation. And for the most part this happens only when the Court of the European Communities intervenes to compel them to do so (Migration News Sheet, Monthly Information Bulletin on Immigrants, Refugees and Ethnic Minorities, March 2005). Though the EU wants to cooperate more closely in the area of immigration policy, there is no agreement among the member states regarding the timetable and to a large extent the creation of a comprehensive and dynamic immigration policy remains a national concern despite the high degree of cooperation between the member states at European level. Same is the case with Britain, which is the subject of the present study.

This concept has been of particular importance in EU debates where there have been criticisms over the democratic deficit or the centralization of decision making within the EU institutions. The actual principle of subsidiarity was set out in the Maastricht Treaty with subsequent changes being made in the Treaty of Amsterdam (Blair 2006: 281).

[28] The ARGO programme was the successor to ODYSSEUS, which likewise aimed to contribute, through education, information and mutual action, towards improving cooperation between the member states in the fields of asylum, protection of external borders, and immigration policy.

IV.5. British Response towards the EU Efforts for Common Immigration Policy

> *England is no doubt in one sense a part of Europe, but the differences between the English cultural, political and social heritage and that of any other European country are far greater than the differences within mainland Europe itself, substantial though these are. (Robert Blake as cited in Kumar 2003: 5)*

Britain joined the EEC on 1 January 1973, however, there is still little evidence that the British people have really accepted that they are members of Community Europe. Though the European Communities Act of 1972 stipulates the primacy of the EU laws over the national legislations, Britain has always held the position that this primacy is applicable only if the British Parliament wishes so. Hence the relationship between Britain and the EU depends on the British law rather than the EU law (Hartley 2007: 262). The relationship between Britain and EU is seen to be complex and Britain is often referred as 'Euro-sceptic'[29] or 'reluctant European' in the EU circles. The lack of British identification was symbolised by the very poor voting turn-out to the European Parliament elections. Britain's role has been pivotal as one of the four largest member states that can influence the EU agendas in a larger way but its attitudes and postures inside the EU have led to tremendous disillusionment. The British government was supposed to lack any sense of purpose about Britain's role in Europe, and consequently its policies were seen to be riddled with contradictions and ambiguity.

Any initiative that might result in Britain becoming more deeply involved in European institutions often brought these inconsistencies to the surface, with the government then moving into a state of confusion accompanied by bitter party conflict and occasional resignations. Since Britain joined the EEC lately, as a member state, the country would be responsible to act according to the wishes of the EU. As a late comer, Britain always faced questions about its sincerity to the European projects. Though Britain participated in several European ventures such as European Defence Community (EDC), European Free Trade Association (EFTA) and is very much enthusiastic about some policies like Common Agricultural Policy (CAP), it did not join in many projects like Schengen Free Travel Zone and Common Euro Zone.

[29] 'Euro-sceptic' is a term originally used to describe those who had doubts about European integration but one that is now often used to describe outright opponents to any EU initiatives (Church and Phinnemore 2006: 180)

The Schengen II Agreement came into force in March 1995; and in 1997 it was incorporated into the Treaty of Amsterdam, integrating it into the EU institutions. It covered all of the EU's member states except Britain and Ireland which have a Free Travel Area between them, and they had chosen to maintain their own border controls. Moreover, Britain and Ireland decided on their involvement on the Common EU Immigration Policy on a case-by-case basis retaining the possibility of an opt-in of Title IV of the Treaty establishing the European Community and hence were eligible to join the Schengen area. Along with Denmark, they also negotiated to keep their involvement in EU initiatives on borders, immigration and asylum optional rather than obligatory. Britain had decided to opt-out of the directive adopted in March 2001, concerning the status of TCNs, who were long term residents, for the foreseeable future (Luedtke 2008: 8). In the Directive, the Commission laid out a proposed framework of law that would regulate the entry, stay, rights and status of long term immigrants and this legal framework would be binding on member states, obligating them to uphold certain minimum standards in terms of rights and freedoms accorded to immigrants. The recent Reform Treaty, if passed, would have a larger impact on the immigration policy arena, as it would move a total of 45 matters to QMV, one among being asylum and immigration. Britain has secured opt-outs or opt-ins on these matters which the British Government has identified as key concerns, for instance asylum, immigration and judicial cooperation in criminal matters. It is held that holders of EU passports arriving in Britain do not have to go through the rest of the world controls, but they do not have uncontrolled access to Britain either (Rasmussen 2001: 153). However, Britain's planned 'e-borders programme', a system for monitoring air, sea and rail travellers to and from Britain, would require formal passport checks to be introduced between Britain and Ireland from 2009. In a long awaited judgement, the European Court of Justice (ECJ) ruled in 2007 that Schengen members had the right to block Britain and Ireland from joining the board of FRONTEX,[30] since they do not participate in the common system of border controls (Brady 2008: 24).

[30] The European Agency for the Management of Operational Cooperation at the External Borders of the member states of the European Union was established by Council Regulation (EC) 2007/2004/ (26.10.2004, OJ L 349/25.11.2004). FRONTEX coordinates operational cooperation between member states in the field of management of external borders; assists member states in the training of national border guards, including the establishment of common training standards; carries out risk analyses; follows up the development of research relevant for the control and surveillance of external borders; assists member states in circumstances requiring increased technical and operational assistance at

Notably, while Britain and Ireland are not part of the Schengen Agreement, as a result of the Treaty of Amsterdam they could participate in some areas of its activities. In March 1999, Britain requested to take part in Schengen based cooperation on matters relating to police and judicial cooperation on criminal matters, the campaign against drugs and the SIS (Blair 2006: 267). This would show some kind of British convergence with the EU norms in the immigration policy arena. Also, the increasing challenges of illegal migration and the increase in the numbers of asylum seekers and migrant trafficking, calls for a transnational approach than individual efforts. Here, EU could play the role of a coordinator and facilitator for better controlling the migratory flows. Britain's increasing convergence with other member states in the EU Immigration Policies and its efforts might in the coming future ultimately result in the integration of policies and emergence of a coherent Common EU Immigration Policy.

IV.6. Reasons for British Reluctance towards Common EU Immigration Policy

It could be seen that the particularity of British Immigration Policy in a European context is largely the result of its unique immigration history. Britain's case has been uniquely different from rest of the member states resulting largely from the British colonial past coupled with the absence of guest worker or recruitment policies and absence of provisions for return migration (Koser and Salazar 1999: 337). The British state has had a long established tradition of restrictionism over immigration. The lack of a formal written constitution setting forth the relations between the governmental organs and specifying the boundaries of governmental actions often created difficulty to incorporate and adjust with the EU level policy orientations in a practical way. On the other hand, the process of unifying Europe would have to be exceptionally dynamic to modify such a system which Britain lacks considerably. Together with this, are the British legacies of the past which made them to perceive as different and distinct from the rest, their internal political divisions and also the comparatively lesser knowledge about the EU itself among the general public which has constrained

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external borders; and provides member states with the necessary support in organising joint return operations. FRONTEX works closely with other Community and EU partners responsible for the security of the external borders, such as EUROPOL, CEPOL, OLAF, the customs cooperation and the cooperation on phyto-sanitary and veterinary controls, in order to promote overall coherency. FRONTEX strengthens border security by ensuring the coordination of member states' actions in the implementation of Community measures relating to the management of the external borders. For details, see EU official website at http://europa.eu/agencies/community_agencies/frontex/index_en.htm.

Britain to answer the call for a uniform immigration policy at one go. It has been much more difficult for the British people to consider themselves 'European'. Britain's self styled distinctiveness rests on an 'island race' mentality that separates 'us' from 'the continent' (Favell and Tambini 1995: 148) and thus pointing their insularity to the source of England's superiority over the continent asserting that 'our fathers became emphatically islanders, islanders not merely in geographical position, but in their politics, their feelings, and their manners' and 'the fog in the English Channel, continent cut off' perhaps still aptly symbolise the British attitude to the European affairs (Twitghett 1979: 714). The reason for the British reluctance could be broadly classified as under:

a) Sovereignty

Most importantly, the British concept of national sovereignty[31] has remained a strong consideration limiting international as well as supranational European cooperation in this field. Britain has been a unitary and highly centralised state with all its power focussed upon its Parliament and there appeared to be inconsistencies in the attitudes of the British Government, the British media and the British people towards the EU and vice versa (Jones 2007: 1). The then Conservative Prime Minister Margaret Thatcher in her famous Bruges speech of 20 September 1988 argued that EU decision making should be concentrated at the level of member states rather than by the EU's supranational institutions[32] thereby emphasising that the importance of nation state should not be lessened in the face of the growing strength of the Community institutions in Brussels. She felt that the atmosphere in the EU 'became increasingly alien and frequently poisonous' (Rasmussen 2001: 154). The ambivalence about

[31] The idea of sovereignty tries "to specify the political authority within a community which has the right to determine the framework of rules, regulations and policies within a given territory and to govern accordingly" (Ramakrishnan 2006: 8). The pooling of sovereignty to form a supranational entity obviously resulted in the erosion of "traditional attributes of sovereignty" and as a consequence, "frontiers are loosing their hard-edged clarity" (Ramakrishnan 2007: 204).

[32] To quote Thatcher "To try to suppress nationhood and concrete power at the centre of a European conglomerate would be highly damaging and would jeopardize the objectives we seek to achieve. Europe will be stronger precisely because it has France as France, Spain as Spain, Britain as Britain, each with its own customs, traditions and identity. It would be folly to try to fit them into some sort of identikit European personality.....working more closely together does not require power to be centralized in Brussels or decisions to be taken by an appointed bureaucracy.....We have not successfully rolled back the frontiers of the state in Britain only to see them re-imposed at a European level, with a European super-state exercising a new dominance from Brussels" (Jones 2007: 282 and Blair 2006: 101).

Europe was not restricted to 'Euro-sceptics' on the Right of the political spectrum, but within the British Left also there has been a strong tradition of considering the EU as a capitalist club or cartel, and fears that British membership and the subsequent policy integrations will make it far more difficult to bring about the radical social changes that the Left has historically stood for (Kumar 2003: 16). Ron Hayward in 1977 stated that the Labour Party objective is,

> *to work towards the creation of a wider but much looser grouping of European states, one in which each country is able to realise its own economic and social objectives under the sovereignty of its own Parliament* (Twitghett 1979: 700).

In the case of a Common EU Immigration Policy also, the British attitude has been quite different from many of the member states, France for instance. Britain was less willing to give up border controls for the fear of losing its sovereignty in an important national interest area coupled with concern over the negative consequences which the agreement might entail for internal controls specifically the need for identity cards and the risk of mobilisation by anti-immigrant groups (Koser and Salazar 1999: 340). Again, Britain felt that having to allow free entry of people from other EU member states would undermine its domestic security. Britain has been willing to work with EU for combating crime for example, but when a common policy has the potential to undercut British policy and sovereignty, then the country has preferred often to act alone. Parliamentary sovereignty is so much enshrined within English constitutional practice that many English commentators could not imagine an English nation or an English national identity without it. England, however, 'has been driven with fears that if Britain surrenders any of her sovereignty to a federal Europe, her identity will go as well; her history has given her no experience of the loss of sovereignty, or of the possibility of survival of identity'. For the British, Europe equals no national sovereignty, hence no national identity.

b) Questions of National Identity

Institutions, laws and policies to regulate immigration are often said to be based on conceptions of national identity. If national identity means self definition and belonging in the national polity, then immigration cuts to the heart of this concept, because it raises political questions about how the nation-state should be defined. Immigration policy determines who should belong to the nation-state and who should

be excluded, and determines the very nature of that belonging by establishing the criteria for entrance, expulsion, settlement and naturalization. In this regard, the EU has provided an excellent test case for national identities being challenged by Europeanization and globalization, because the process of European integration has brought with it new norms and identities that have confronted historically rooted national identities. Europe has been seen by most of the member states, especially the CEECs as the agency of national regeneration rather than the destroyer of national sovereignty and identity. But for Britain, the membership of the EU was often perceived against a background of industrial supremacy, World Empire and victory in the Second World War. Entry into Europe therefore carried the character of a loss, if not outright humiliation, an admission that Britain is an ordinary nation, just like other nations. The implied surrender of national sovereignty has always been threatening to them since the principle of sovereignty has been a cardinal item of their national identity (Kumar 2003: 6).

If immigration is being so strongly connected with national identity, then one would expect national identity to be a determinant of public opinion about national control over immigration policy under conditions of globalization and Europeanization. That is, citizens who identified strongly with their own nation-state, like British would most likely to prefer to retain control over its own particular, historically based immigration policy, despite the countervailing forces of globalization that have pushed immigration policies towards cross-national convergence. Although the EU's single market, which has given the impetus to immigration policy harmonization, has been a project of economic integration, in matters of immigration, national identity often overrides economic considerations, and what prevails would be the national polity's ability to control the immigrants. Immigration policy cannot be always dealt within the framework of most economic negotiations which at times involves compromise and adjustments owing to its resonance with citizenship, membership and identity. Those who identified strongly with the British nation-state would not want to give up immigration sovereignty to the EU and considered an EU wide Common Immigration Policy as a threat to established visions of identity and societal integrity. In 2002, *the Economist* magazine, normally a proponent of rational, instrumental explanations, saw the political difficulty in forging a Common EU Immigration Policy 'as a problem of

balancing the benefits offered by the free movement of labour against voter's fears, often irrational, about threats to national identity' (Luedtke 2005: 90).

c) Public Opinion

The EU is often referred to as an elitist project that does not have widespread public support. In recent years, anti-immigration sentiments have been moving to the forefront of politically relevant attitudes in a number of European countries, Britain is not an exception. The rising popularity of populist anti-immigrant right wing parties is explicit by the 2009 European Parliament election result. People have a tendency to categorize themselves or others into groups, make in-group versus out-group distinctions that are advantageous for their in-group and unfavourable for the out-group. Also people who tend to categorize immigrants into an out-group show hostility towards them (de Vreese and Boomgaarden 2005: 64). Adding to this Adam Luedtke (2005) identifies that

> *the more negatively one feels towards immigrants and the more one feels that immigrants should not have equal social rights with EU citizens, it is more likely that (s)he will oppose a harmonized EU immigration policy since (s)he will think that the EU control will expand immigrant rights.*

which can be well equated with the negative British racial perception about immigrants. Inspite of these considerations, the British public has profoundly been unconcerned about matters that involves the EU, whether its European Parliament election or an EU level immigration policy (Church and Phinnemore, 2006: 1).

d) Role of NGOs

Member states' immigration policy making has increasingly involved multi-level exchanges, both 'vertically' with EU institutions, and 'horizontally' with other EU states through transnational cooperation. Organizations are likely to shift their lobbying and campaign activities towards Europe and the effective engagement at the EU level has been more dependent on Non Governmental Organisations' (NGOs) specific commitment to immigration issues than the possession of pre-existing transnational networks (Gray 2005: 890). The existence of both pro and anti immigrant NGOs at EU and national level often influenced the British state and public opinion towards the matter in a significant manner. While the anti-immigrant NGOs

fear a mass influx of immigrants to British territory and the resultant problems, the pro-immigrant NGOs fear that the country may lose many of the gains made in British race relations legislation in the last few decades, since the race relations legislation of the EU is based on a different model. Given the relative weakness of the NGO sector in national politics, with few allies in civil society and faced with a dominant restrictionist government, one can find a surprising degree of activity at the European level. Still the NGOs have correctly perceived that national governments remain more influential in immigration policies than European institutions, and that the 'Europeanized' policy agenda is driven by inter-governmentalist approach, i.e. nation-state and restrictive imperatives. At the same time, the organizational field of the British NGO sector is fast transforming in response to Europeanization, and the degree and form of future developments are likely to be dependent on the direction, extent and nature of Europeanization of the policy domain (Gray 2005: 895), which allows at least some public scrutiny of EU's policy developments.

e) Relation with US

Another feature of Britain's attitude towards the EU and its integrative policies could be the historical legacy of British geographical isolation from continental Europe and ties with other parts of the world. To many in Britain, the continental Europeans are essentially foreigners in a completely different way to their kith and kin in the Old White Commonwealth and even the US (Twitghett 1979: 698). The country has often given the priority to its special relationship with US and its role in Commonwealth thus looking far beyond Europe. The perception that Britain, once colonial master of one third of the world and then a global power would never be dragged down to the European level, made the country to act differently. Though the special relation with US is not an even handed one, Britain has often wanted to show that US being the most powerful country in international arena pay considerable attention to Britain and its opinions. A continuation of the special relationship with US could also be seen as an approach to legitimize its detachment from Europe and to justify its apparent indifferent attitude to a future that clearly lies with Europe (Coker 1992: 407).

It could be seen that Britain remains pivoted uneasily between Europe and America, as British policies from Margaret Thatcher to Gordon Brown clearly show. At all times

Britain has tried hard to retain its ties with US whether as Churchill's English-Speaking Union, Macmillan's Atlantic Community, Blair's Special Relationship (Hodgson 2007: 1) or Gordon Brown's plan for a 'global new deal' in which America plays a significant part. On the contrary, US seems to be less enthusiastic in the need for maintaining equally intensive relation with Britain (Suroor 2009c) since two countries share little in common with each other (See **ANNEXURE 12**). What binds them then is the political realities of the present and hence with a simple change in the scenario could disable their relationship. Britain's initial decision to join the EC in 1961 was taken largely because it was 'fast running out of entry cards in Washington' (Coker 1992: 417). In an attempt to maintain a relationship that was special, Britain had to enter the Community. Still largely, Britain's real enthusiasm lay in both shaping and participating in traditional intergovernmental organisations such as NATO and OECD which are essentially trans-Atlantic in scope and nature rather than exclusively European (Bhattacharya 2006: 139). But it is an undeniable fact that politically and economically Britain is now a regional power, and the region to which Britain belongs to is Europe (Jones 2007: 3). Same has been the case with Commonwealth, which Britain is merely one among equals and not a colonial master as earlier.

IV.7. Conclusion

As a polity in the making, the EU may be best described as a dynamic 'multi-level' system with a constant reallocation of tasks, powers, and responsibilities between the EU institutions and the member states. This dynamic structure is also at the core of the developing European immigration policies, where common measures at the supranational level coexist in parallel with purely domestic regulations in the member states, formal and informal inter-governmental agreements between the member states, and international human rights and refugee law (Lavenex and Ucarer 2004: 428). Since its inception and especially during the 1990s when JHA moved to centre stage in the whole European debate, immigration became one of the most controversial policy areas in EU. Concern has been growing about immigration since the Maastricht Treaty institutionalised the third pillar of the EU. This concern has been further stimulated by several factors, most notably the persistence of illegal immigration with its associated atrocities such as the tragedy at Dover in July 2000 in which 58 Chinese nationals lost their lives trying to enter Britain illegally; and the continued discovery of dead bodies

floating in the Mediterranean believed to have been victims of traffickers of human beings and on the other hand, the need for immigrant labour force in some specific sectors in the EU as a whole and the spectre of an ageing European population (Apap 2001: 1).

Though the EU has progressively worked to establish the main elements for the creation of a Common Immigration Policy, having Article 63 of TEU as a basis which reads that "the Council...shall adopt measures on immigration policy within the following areas: (a) conditions of entry and residence, and standards on procedures for the issue by member states of long term visas and residence permits.....".[33] The successive treaties, most importantly, the Tampere milestones and the subsequent communications by the European Commission and the various legislative acts including a number of Directives and Resolutions by the EU institutions are established, it seems however, that national policy makers are at times hesitant to support the Commission's initiatives in such a sensitive policy area. Concurrent with the growing political salience of immigration, the member states of the EU have taken tentative steps towards building a Common Immigration Policy. Though the EU has recently gained some control over the policy, it has faced strong opposition from reluctant national politicians of especially those countries, who does not want to open its door for immigration, Britain and Germany, for instance, insisting on a 'national veto' on the numbers of immigrants admitted. As stated, those who identify with their nation-states are less likely to support EU control over immigration policy than those who identify with 'Europe' (Luedtke 2005: 83). Thus, after decades of efforts by the Commission, Parliament and their allies and a great deal of contentious politics, the success of an EU Immigration Policy are by no means assured. Such a policy is necessary for projects such as the single market and the Schengen Zone to succeed.

Yet another hurdle in the realisation of a Common EU Immigration Policy is the voters disenchantment with the European political process reflected in the low turn out in the European Parliament elections. Only 43 percent Europeans voted in the 7th

[33] For more details on EU Treaties and provisions, see EU website at http://eur-lex.europa.eu/en /treaties/dat/11992M/htm/11992M.html.

European Parliament election,[34] which showed a clear boost to extremist and racist right-wing parties and their severe anti-immigration, xenophobic and racist policies (See **ANNEXURE 13**) at a time of member states facing adverse economic climate and high rates of unemployment (Naravane 2009). It could be said that, political convergence is certainly needed to break with the past and the still predominant philosophy of 'Fortress Europe,'[35] particularly at the time of national elections (Apap and Carrera 2003: 2). Most of the major British political parties are divided over the issue of EU and its policies. Even within the individual political parties, there is no uniform position. The public opinion is often attributed to either lack of knowledge or ill informed EU policy orientations. Public opinion about EUs control over immigration might diverge considerably from public opinion about the EU in general and this is evident from the establishment of a common market and single currency named 'Euro'. While economics remained as a soft issue area, immigration on the contrary being a hard issue due to its attachment with the highly sensitive and emotional notions of sovereignty, nationality and identity.

It could be broadly noticed that Britain is one of the strongest opponents of EU control over immigration issues since its national immigration policy itself is a restrictionist one. Being a reluctant European in the first place, Britain has its own national interest in this highly volatile issue of immigration. Britain has been different from any other member state so far as the quantity and quality of immigrants received because of its colonial past and again of the absence of guest worker and similar recruitment schemes. The way Britain perceives immigrants is unique from others shaped by the colonial master attitude of superiority, especially towards the New Commonwealth

[34] The European Assembly is the only EU institution elected by universal suffrage; the conservative right-wing parties are holding the power over years. Immigration coupled with national issues of recession, unemployment, low wages, low pensions, anxiety over social security schemes and the divisions over the further enlargement of the EU have all weighed upon the campaign rather than purely European issues. Voters turn out has fallen with each EU election since the first in 1979. Voters turn out of 2004 election was 45.6 percent (Naravane 2009).

[35] This phrase is often used in the discussions about asylum and immigration regulations in the context of defending the EU from outside influences, such as immigration and asylum seeking, for instance (Blair 2006: 190). The problem for an open Europe was 'how to close it against immigrants and refugees from the Third World, how to erect a common policy, a common set of rules, a common administrative apparatus, informed by a 'common, market racism', to keep them out. To this end, it is argued that, heads of national police forces and intelligence services and representatives of national governments have been meeting to set up an intra-state apparatus outside the remit of the EC and, therefore, beyond its control (Webber 1991: 17).

immigrants as already discussed in Chapter 2 and 3. Britain has been often driven by a cost-benefit calculus, which is based upon the political salience of a given immigration issue, and the level of domestic institutional constraints that they face on that same issue and its racially attributed national laws often prefer relatively restrictive legislation while the EU organizations prefer relatively liberal legislation and use their institutional leverage to push legislation in this direction. Even the Left-Right political spectrum of Britain itself is divided over the number of immigrants to be allowed and on what criteria; they are united on their reluctance to opt in for a Common EU Immigration Policy thereby parting their sovereign authority in the area of immigration law making. In short, British Immigration Policy could be seen as not in conformity with EU's set of laws and the country is largely reluctant to join hands with the EU for a Common Immigration Policy which is an area where Britain is having high stakes. British opposition could be also because of its fears that such a policy would be too expansive and that EC legislation may require changes in British settlement and integration policies (Martin 1994: 166). Britain is ready to take part in those areas which are of lesser profile and where the country needs support from the EU and other member states, like the illegal migration and transnational crimes. The successive British governments have not considered EU as a channel to reduce domestic constraints on control capacity and the strenuous relation between the both would remain one of the most troubling immigration policy issues at EU level, so long as Britain insists on maintaining its external frontier controls (Geddes 2003: 51).

British public opinion is also often widely divided on this issue and the same is the case with the NGOs and such other civil society organisations working in this arena. Political parties, for retaining or recapturing the political power, hence could not also ignore their opinions and act accordingly. The main problem before Britain is in a way to make people aware of the intricacies of the EU and to create a positive public opinion on the issue. Hence the case for a Common Immigration Policy needs to be presented even-handedly. Both positives and negatives should be considered but what often come to limelight are the flaws and negativities than the merits. Also, the perceptions of both Britain and the EU towards each other should be based on reality and reciprocity. EU has benefitted from the British membership and vice versa, in many respects. But those opposed to the expansion of the single market project of EU

enlargement and Euro will be less likely to support harmonization of immigration policy.

Crucially, while Europe is distracted by worries over the fate of the crippled Draft Constitution and declining public support for enlargement, as the anxiety over further expansion which brings more and more immigrants to its territory, the 'Fortress Europe' is disintegrating fast under pressure from desperate immigrants and asylum-seekers, many of them Africans, seeking to illegally enter southern European ports and islands (Islam 2007: 2). Though policymakers in member states as well as the EU are trying to respond to these challenges coupled with that of immigration from third countries and terrorism by upgrading diplomatic, trade and cultural ties with major sending countries like Africa, Asia etc. but a Common Immigration Policy at the EU level capable of implementing more effective policies to end discrimination and ensure the immigrant communities' social integration can only tackle these issues of ever growing importance. While, within the EU structure itself, there is a large deal of inequality evident from the EU newcomers complaints about being treated as second class citizens, there could be scepticism about submitting themselves to the supremacy of a central power like the EU. Yet another issue is the support attracted by the far-right and xenophobic political parties and the rise in Islamophobia across the continent especially since the 9/11 and the 2005 London Bombings. The Vienna based Monitoring Centre on Racism and Xenophobia has highlighted such concerns by warning that Islamophobic sentiments are on the rise throughout Europe, a claim also upheld by the European Network against Racism. Linked to the current debate for a Common Immigration Policy are the deep-rooted questions linked to the increased immigration and the problems of integration of those coming in for various reasons.

Though EU has put forward a number of measures to better integrate the migrants to the member state's polity and society, the sea changes in the patterns and scale of migration to Europe in recent decades shows that EU member states' integration policies have not kept pace with the EU level developments. As in the case of Britain, the Race Relations Acts are in operation, but the problem of racial prejudice and discrimination still persists at all spectrum of society, whether its employment, housing or educational sector. The ethnic minorities are under-represented in British Parliament, only 15 non-White MPs in the 645 member House of Commons, 13 from

Labour and 2 from Tory and only one non-White cabinet minister, Lady Patricia Scotland (Suroor 2008g and Suroor 2008e) (See **ANNEXURE 7**). Hence only a Common Immigration Policy can deal with these country-wise discrimination towards the migrants thereby ensuring the basic human rights and dignity in the host country. Britain often faces the dilemma of retaining its restrictive policy while its market demands labour and both the internal and external situations compelling for closer cooperation with rest of the member states to deal with a multitude of problems associated with immigration, the fact that the country has not yet opted out from the EU's policy initiative altogether itself shows the necessity of an EU level immigration policy. Instances like the Rushdie affair, the derogatory cartoons of the Prophet Muhammad, the debate over wearing Sikh *Kada* or the religious bangle (See **ANNEXURE 14**) and *Pagadi* or the turban which is a breach to one's religious and racial rights (Lall 2008) and amounted to indirect racial discrimination (Suroor 2008a) and the terrorist attacks in Madrid and London in 2005 highlighted the challenges facing the multicultural societies of today's Europe, which could contribute to violent radicalization and the allied risks associated with failed integration. These challenges requires a cosmopolitan approach of EU level initiatives rather than the limits of statist approach for better solving all these issues associated with immigration in a globalised world in which state boundaries and jurisdiction are insufficient to deal with claims of justice exclusively.

CHAPTER V

CONCLUSION

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The modern immigration movement, in its strict interpretation, is a unique episode in human experience. Immigration to Britain has involved a multitude of people with diverse nationalities, ethnicities, languages and skills often with a variety of purposes like looking for better economic prospects, better jobs of both temporary and permanent nature, refugees and asylum seekers, students, artists, etc. and also a large mass of illegal immigrants. The history of immigration of these groups is unique in many respects and shaped by the colonial past of Britain particularly in the absence of permanent recruitment schemes like the *gastarbeiter* programme in Germany. The trajectory of the migration process has been uneven from its very beginning. Substantial amount of inflow started in the late eighteenth century onwards, though the sixteenth and the seventeenth centuries witnessed the coming in of immigrants of diverse origin including Italians, French, Spanish, European Jews and gypsies, Afro-Caribbean, Indians etc. in lesser numbers.

The nineteenth century also witnessed immigration from both European and non-European countries. Among the communities arrived, Irish and Europeans including those from the Old Commonwealth faced comparatively less discrimination while non-Europeans faced more on the basis of their race and skin colour. The common and most prominent features of those from the 'coloured' New Commonwealth were the segregation and racial discrimination they faced in Britain. Race relations were always a problem magnified by a multitude of factors including perceived White superiority and imperial legacy of once a colonial master.

The First World War could be considered as a major event in the history of British immigration as it had resulted in the entry of a large number of refugees mainly from the erstwhile Soviet Union, Belgium, Germany etc. and also an enormous increase in Britain's Black population who had come for war time services. Both the inter war years and the Second World War period witnessed similar population inflow into the country, mostly refugees and asylum seekers coupled with economic migrants for war time services in imperial defence and the labour scarce industries of Britain. Inspite of this, Britain in the immediate post war years, had recruited workers for the

reconstruction of the British economy through several temporary schemes like the Balt Cygnet Scheme of 1946, for instance and also imported labour from Caribbean, Africa and Asia resulting in the marginal increase of so called 'coloured' population there and they became visible and prominent everywhere in the country. Their movement was further facilitated by the British Nationality Act of 1948 which laid the legal foundation for the transformation of Britain into a multi-ethnic society.

The increasing number of immigrants resulted in the rising concerns among the British policy makers, politicians, both Conservatives and Labour, including the anti-immigrant lobbies together with the general public and forced the government to pass several restrictive Acts in the field of immigration legislation. The Aliens Immigration Act of 1905 was the first of this kind followed by the Aliens (Restriction) Acts of 1914 and 1919 which limited the entry of aliens though Commonwealth subjects were exempted. But with the Commonwealth Immigrants Act of 1962, the time-honoured principles of *'civis Britannicus sum'* and the right of all British subjects to enter and remain in Britain were restricted thereby racialising the immigration policy explicitly. The subsequent Acts were all largely restrictive, especially towards the New Commonwealth 'coloured' immigration. It could be seen that the ideals of Powellism and Thatcherism had its impact over the anti-immigrant campaigns and the contentious issues always revolved around the unreliable immigration statistics and no doubt British immigration policy making was a 'number game'. The only sources of immigration statistics to Britain were the OPSC, IPS, census etc. providing vague figures in approximate terms and hence open for speculation.

The political parties, anti-immigrant groups and the other stake holders including the Media manipulated these figures accordingly and pressed for more controls by reversing the public opinion. Yet another strategy used for stringent immigration controls was by waving criticism against the immigrants that they were competitors for jobs and social services and were strike breakers and carriers of several contagious diseases and hence an imminent threat to British people. Though often flagged in economic terms, the real undercurrent of all these could be inferred as racial prejudice and part of stereotyping intended to keep the 'coloured' immigrants out of the country. It seems appropriate to underline that the British were at the same time, largely

tolerant towards those from the predominantly White Old Commonwealth and from Ireland often due to their willingness to welcome those with the same racial makeup.

By the early 1980s Britain showed more attachment towards the European Community rather than the Commonwealth; the British Nationality Act of 1981 was intended to get rid of the remaining obligations of the Empire and bring the country into line with Europe. Though the policy initiatives over the time had limited the primary immigration substantially, the arrival of refugees continued unabated and thus since the late 1980s, British Immigration Policy has focussed on stemming the immigration of asylum seekers and illegal immigrants.

Again, Britain's entry into the EU in 1992 made the country open its door to the migrants from other EU member states. The disintegration of Soviet Union and the breakup of Yugoslavia and the similar developments in the area ultimately resulted in the inevitable arrival of the refugees to the EU in large numbers which had an impact on Britain as a member state. After the 2004 enlargement of the EU, Britain accepted immigrants from CEECs, Malta and Cyprus under various WRS and SAWS to fill the vacancies in its job market. Thereafter, most of the market demand for unskilled and semi-skilled labour was being provided by the rest of the member states of the EU especially the CEECs. Still in some professional highly skilled sectors Britain was facing acute labour shortages like in the IT for which they were looking towards the developing countries, India for instance. But that comprised only a portion of the Third World countries' intended migrants as most of them are semi-skilled or unskilled. Old Commonwealth and the developed countries of Europe and West are at an advantageous position in this context as skilled labourers are in plenty there. The new immigration system, PBS, launched on 29 February 2008 ensures that only those with right skills that Britain needed could come to Britain to work and study putting the entry criterion like the language proficiency tests at very high levels which is again indirectly discriminatory towards the unskilled workers who are obviously from the Third World, the so-called 'coloureds'.

It could be seen that the British attitude towards immigration is deeply intertwined with the legacy of British Empire, the inherent stereotypical and prejudiced notions of White superiority and the 'White Man's burden' of civilising the colonial population

who are of inferior race and uncultured. The linkage of immigration to the questions of race and the call for stricter immigration control policies have been the notable features of the British political culture since 1945. Most of the restrictive immigration policies are in the official terms 'designed to prevent the nation from being overcrowded and for better race relations' so as to avoid race riots, social uprisings and disharmony. On the contrary, the British administrative mechanisms like housing authorities and police, the hubs of institutional racism discriminated them in public avenues whereas it is generally held that the British population differentiated the 'other' in the walks of life, in buses, in clubs, in hotels and the like.

After continued exposure to prejudiced and discriminatory attitudes of the host population, the immigrant communities often resort to violent means. It could be analysed as a mode of self assertion that most of the present immigrant communities, even the new generation who have little knowledge about their roots, show more and more allegiance to one's religion or such other ethnic identities. The recent case of wearing *Kada* in schools is a timely illustration which presents the nuances of the emerging identity politics in Britain. The rise of Islamic fundamentalism in many of the European countries could also be read together with this. Though there are such agencies like National Committee for Commonwealth Immigrants, Community Relations Commission, Community Relations Councils and a variety of Race Relations Acts since 1960s to deal with the problems of social adjustments faced by the 'coloured' immigrants, the objective of these mechanisms remain largely unfulfilled. The policy of multiculturalism has also come under criticism now. The racial overtone of the immigration policy has shifted from focus since 1990s with the problem of economic migration being overtaken by the issues related to the increasing numbers of refugees and asylum seekers. But the racist immigration policy could be seen as being pursued in the guise of the PBS which allows only the entry of those with highly advanced professional skills, obviously at lesser stakes in the Third World developing countries comprising the New Commonwealth.

Practically, viable answers to all these issues could be attained effectively at the EU level. Since Britain is one of the prominent member states, its responsibility to be in conformity with EU set of legislations is unquestionable. Since the establishment of EU itself calls for a better Europe where every human being can live with rights and

dignity, it enhances the possibility of managing the migration flows by rectifying the problems of racial discrimination and the social adjustment issues faced by the migrants in the host EU member states.

It could be seen that since its very inception, the immigration policy has become one of the most controversial policy areas in the EU. Several steps have been taken towards the goal of achieving a Common Immigration Policy, most notably since 1980s including various treaties coupled with a series of Communications of European Commission and legislative acts including a number of Resolutions, Directives, and Decisions. However, the progress is slow, mainly because under the current EU rules, all decisions related to JHA policy – including border controls, visa rules, and the exchange of police information – must be approved unanimously by member countries. Appeals to the governments to drop their national vetoes over judicial policies have encountered stiff resistance from countries which are reluctant to cede power over what they view as the domain of sovereign states.

As highlighted by the London Bombings of 2005, the recent terror attacks and the unhappy reality of 'home-grown' terrorism, bomb alerts, race riots, and public confrontations between mainstream Europe and Muslim minorities such as those over the Salman Rushdie's *Satanic Verses* and the publication of caricatures of the Prophet Mohammed, the EU is particularly concerned about the vices associated with immigration. Associated with this are the crimes of trafficking in drugs and in humans and money laundering etc., which requires a cross national approach to tackle these issues of ever growing prominence. It is a fact that in today's globalised world no country can stay independent. Complex interdependency is the order of the day and in the EU realm, especially with every member states having to deal with each other in an increasing mode, with particular responsibilities and corresponding rights and privileges. As globalisation broadens the purview of transnational cooperation and interdependence, with the fast growing developments in the areas of communication, transport and all such other fields, the term 'global village' has now became a virtual reality. The other side of this is the inconsistencies and complexities associated with it that makes the human lives miserable, like terrorism for instance.

The task hence entrusted upon the EU is not an easy one and should be dealt with practical expertise and vision. It should encompass all the elements discussed. But such a policy needs the active support and reciprocity from the side of all the member states irrespective of any cost-benefit calculations. It is an undeniable truth that every state has its own national interest especially over those sensitive core issue areas which they do not want to part with. Immigration being one such area rather tied intrinsically with the notions of national identity, national interest and national sovereignty, the EU has to bring all the states together on the platform of a Common Immigration Policy without any bias or favouritism but by taking into consideration the needs of the larger European economy and society which faces, to a considerable extent, the problems of man power shortage and population ageing.

The problem that lies here is that not every country is ready to liberalise its immigration policy due to various socio-political and economic reasons. The negative public opinion over the issue, the internal divisions within the political parties and the electoral position of the parties favouring closer EU policy integration, the country's notions about sovereignty, identity, race, etc. and particularly in the case of Britain, the superiority complex linked to the Anglo-Saxonism, its colonial immigration history, continuity of its traditional restrictive immigration policy, foreign policy considerations, lack of knowledge about the EU in general and its policy orientations, etc. all have its own impact. But since Britain knows that it cannot stand alone to fight against illegal migration, related crimes and human rights violations which require a cooperative approach, it is also a part of the many EU initiatives. Rather than such minimal indulgence, a comprehensive and integrated approach is needed, which could include an opt-in to those policies which Britain is currently not taking part, like the Schengen for instance. Being one of the most powerful member states, Britain can substantially interfere and modify the policies from within the EU structures if it feels that any provision of a particular legislation is in any way detrimental to its national interest or interference to country's sovereignty and integrity. The issues related to immigration present both a practical and emotional angle as its subjects are individuals having their aspirations, hopes, fears and frailties. Hence it cannot be dealt with like other public issues and the methods by which other laws are administered cannot be resorted to in the enforcement of the immigration laws. These laws should not be the

laws of exclusion, but laws of selection. Here comes the question of selecting whom on the basis of what and for how long. If the selection is on the basis of race rather than the market demand and humanitarian considerations, then it is common prudence that such a policy lacks good governance, justice and fair play.

To conclude, the present study attempted to analyse the nature of British immigration policy. The analysis shows that in spite of the ideals the liberal democracy, multiculturalism and fair treatment, the British Immigration Policy has been restrictive at all times on racial grounds, though never expressed in plain terms - especially towards the so called 'coloureds' from the New Commonwealth. The study reveals that the recent 2008 changes establishing the PBS could be seen as no different from the earlier legislations, as will make Britain inaccessible to immigrants from outside the Europe against the labour market demands. The PBS talks about the highly skilled migrants who are predominantly available from the developed countries of Europe and West including the Old Commonwealth, slightly short of pointing directly at the immigrants on the basis of their nationality. This would affect the intended migrants, who are primarily semi-skilled or unskilled especially in the New Commonwealth comprising of the so called Third World developing countries. Although a section of professionals from these countries, say the IT professionals from India, can make their way to migrate, they have to undergo several stringent measures like English language proficiency tests which could further complicate the rules and make it difficult to cross the barriers of visa and emigration checking. Even if they are able to overcome all these hurdles then what is awaiting them in the destination country could be the age old prejudices and racial discrimination of all sorts, which would in a way aggravate the problems of their social adjustment and integration to the host society. Only the EU could provide a platform for a viable solution to these problems by harmonising the sets of national legislations of the member states thereby filling the gaps in individual country's policies and thereby facilitating efficient management migratory flows to its territory, eliminate discrimination to the fullest, enhance better race relations and provide with a more humane, equitable and practical set of rules consistent with the labour demand in each member states.

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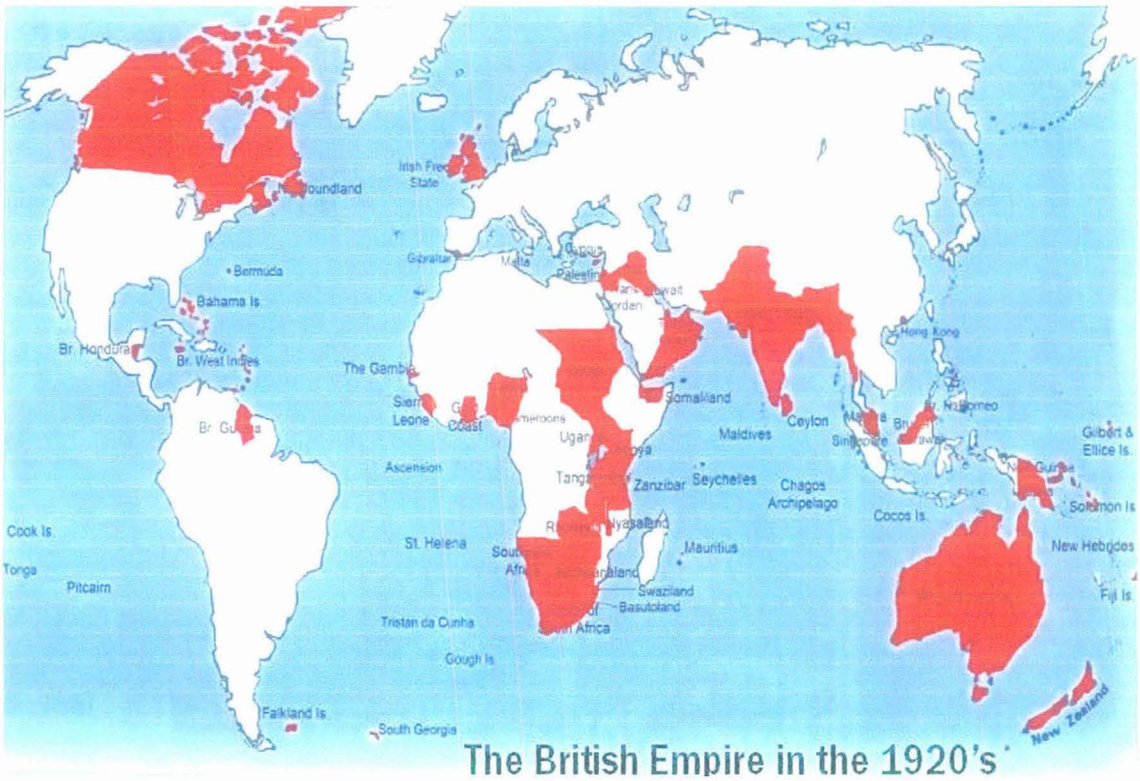
MAPS

Map 3 Britain (United Kingdom)



Map 2 The British Empire in the 1920s

Map 3 European Union

ANNEXURES

ANNEXURE 1

The Hindu/ 6 June 2009

EU to open doors to Guantanamo detainees

Ian Traynor

European countries on Wednesday agreed terms for taking in dozens of detainees from Guantanamo Bay, boosting U.S. President Barack Obama's plan to close the detention camp.

After months of division over whether and how up to 60 detainees could take up residence in Europe, EU interior ministers meeting in Luxembourg agreed security guidelines and a mechanism for sharing information on the detainees.

EU states will now be able to accommodate detainees who have been cleared for release but cannot be repatriated for fear they will be killed, tortured or jailed. They could take in "several dozen" detainees, said Martin Pecina, the Czech Interior Minister, who chaired the meeting.

Mr. Obama announced the closure in one of the first statements of his presidency. Wednesday's deal leaves it up to individual countries to decide whether to take inmates. Those that do have to furnish all other EU governments with intelligence information on the proposed immigrant and take account of objections. — © **Guardian Newspapers Limited, 2009**

ANNEXURE 2

The Hindu/ 1 February 2009

U.K. Tamils call for end to violence

Hasan Suroor

LONDON: A large number of British Tamils took out a march through Central London on Saturday to express their concern over the humanitarian crisis in Sri Lanka and call for an end to violence.

The Sri Lankan High Commission in a statement said the government attached the "highest importance to the protection of civilians" caught up in the conflict and accused the LTTE of human rights violations. It urged the international community to put pressure on the LTTE to allow passage to the thousands of . Asian Labour MP Keith Vaz, who heads the All-parliamentary Group for Tamils, was among the political figures who joined the march claimed by organisers to be the "biggest public expression of Tamil anger" over the events in Sri Lanka. In a memorandum to Prime Minister Gordon Brown, the British Tamils Forum (BTF), which had organised the march, urged him to press for an immediate ceasefire.

ANNEXURE 3

The Hindu/ 26 November 2008

U.K. rolls out ID card scheme

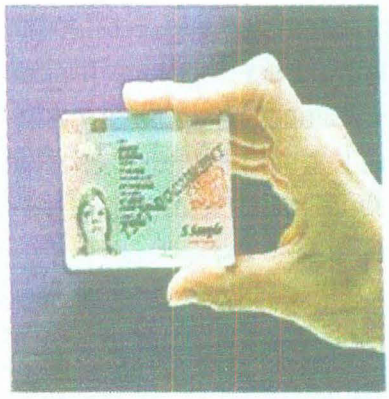
Hasan Suroor

LONDON: The British government on Tuesday rolled out its controversial biometric identity cards scheme for non-European foreign nationals starting with students and foreign spouses of British citizens.

The Home Office said it expected all new foreign nationals and those extending their stay to have a card within three years. Those who do not have a card will be regarded as illegal immigrants and prosecuted.

"Identity cards will be mandatory for all foreign nationals and provide a simple secure means of proving a foreign national's right to work to businesses. Companies will have to keep records of the migrants they have sponsored – including their contact details and a copy of their identity card," it said.

Originally, it was planned to make ID cards compulsory for all British citizens, but following widespread opposition, including from a majority of Labour MPs, the government has decided to make a start with non-EU foreign nationals in what has been described as a "softening up" exercise before it is eventually extended to everyone.



An official British biometric ID card. – PHOTO: AFP

The scheme has been widely criticised for being "too intrusive," besides costing millions of pounds in taxpayers' money. The government has been accused of using foreign nationals as "guinea pigs."

Meanwhile, the second phase of the new points-based immigration system will come into force on Thursday.

Home Secretary Jacqui Smith said: "The first identity cards for foreign nationals along with the launch of tiers 2 and 5 of the points system demonstrate our commitment to preventing immigration abuse and protecting the prosperity of the U.K.

"In time identity cards for foreign nationals will replace paper documents and give employers a safe and secure way of checking a migrant's right to work and study in the U.K.

"The Australian-style points system will ensure only those we need – and no more – can come here."

ANNEXURE 4

The Hindu/ 7 December 2008

British citizenship rules tightened

Hasan Suroor

LONDON: The U.K. has signalled an end to the policy which gave immigrants the "automatic" right to citizenship if they had stayed for a minimum of five years.

Under the proposed rules, immigrants will have to "earn" British citizenship by demonstrating their commitment to Britain and its way of life. This would include having a good grasp of English and a knowledge of British history and its institutions.

While the minimum waiting period before an immigrant can apply for a British passport will remain five years, it will be extended to eight years for those who show reluctance to integrate by, for example, not doing voluntary community work.

Under the proposals, set out in the Borders, Immigration and Citizenship Bill, immigrants convicted of serious criminal offences may be barred from citizenship. The Bill, described as the biggest shake-up of immigration rules for 40 years, also proposes a number of other restrictions that would make it harder for immigrants to gain British citizenship.

ANNEXURE 5

THE HINDU • SUNDAY, OCTOBER 19, 2008

U.K. immigration clampdown

Hasan Suroor

LONDON: Britain on Saturday signalled a shift in its immigration policy with Immigration Minister Phil Woolas proposing a cap on the number of immigrants who should be allowed to enter Britain every year.

He said it had been "too easy to get into this country in the past," but now it was "going to get harder" as he planned a "tougher" immigration policy to protect local jobs amid fears of large-scale unemployment threatened by the current economic crisis. This would mainly affect immigrants from Asia and Africa. Mr. Woolas said: "As we stand, we don't know how many foreign nationals there are. I want to end up in a situation where we know and the public know how many people are coming in and going out of our country... There has to be a balance between the number of people coming in and the number of people leaving." Mr. Woolas' remarks, in an interview to *The Times*, were challenged by his party colleague and chairman of the Commons Home Affairs Select Committee, Keith Vaz, who expressed his astonishment.

Mr. Woolas, whose Oldham constituency has a Pakistani and Banglaldeshi population, denied he was pandering to racism and said immigrants were the "strongest advocate of fair and firm immigration rules."

ANNEXURE 6

The Hindu/ 17 March 2009

U.K. to impose migrant fee

Hasan Suroor

LONDON: Foreign students and workers from outside the European Union will be required to pay a "migrant" fee of £50 each before they are allowed into Britain under new rules to be introduced next month as part of a phased shake-up of the immigration system.

The money will be used to fund local councils to help them cope with the extra cost of providing public services to immigrants. The government hopes to raise an estimated £70 million a year through the migrant fee.

The move to introduce migrant fee follows complaints from local authorities about the impact of mass migration on their resources.

"While many migrants play an important role in our community, we need an honest debate about the local pressures that migration can create on our public services. This fund will pay for the public services in the areas where migration has an impact on our local communities," Secretary of State for Communities and Local Government Hazel Blears will say in a speech this week, according to excerpts released by her department.

Non-E.U. overseas students will also have to show that they have sufficient funds to pay for their first year of fee and living costs for up to nine months.

The rules emphasise that the "money must be held in cash" and that "shares, bonds, pension funds and similar savings accounts will not be accepted".

The amount of money they will be required to have in their account will depend on the length of their course of study and whether they will be based in London or outside.

ANNEXURE 7

The Hindu/9 November 2008

"No prospect of a British Obama"

Hasan Suroor

LONDON: While Americans were celebrating a new "post-racial" dawn, in Britain, a row erupted on Saturday over whether a person of Asian or African origin could ever become the Prime Minister after Head of the Equality and Human Rights Commission Trevor Phillips said U.S. President-elect Barack Obama would have struggled to make it to the top here because of "institutional racism" in the political system.

Mr. Phillips, who is of Caribbean origin and married to an Indian, said there was "systemic bias" against people from ethnic background that would prevent even someone as "brilliant" as Mr. Obama from achieving his full potential.

In outspoken remarks, first made in an interview to the *Times* and then repeated on BBC, Mr. Phillips, a former Labour chairman of the London Assembly, said the British political "machine" was resistant to change, reflected in the fact that there were only 15 non-white MPs in a 645-strong House of Commons.

"My point is that it's very difficult for people who don't fit a certain mould — and that is to do with gender, it's to do with race and it's to do with class — to find their way into the outer reaches of politics," he said. Accusing political parties of paying lip-service to promoting the cause of ethnic minorities, Mr. Phillips said: "The parties and unions and think-tanks are all very happy to sign up to the general idea of advancing the cause of minorities but in practice they would like somebody else to do the business."

His comments caused anger in the Labour Party with several black and Asian MPs questioning his view.

ANNEXURE 8

ıe Hindu/12/01/09

Prince Harry apologises over racist remarks

Hasan Suroor

LONDON: In the New Year's first major PR disaster for the royal family, Prince Harry was on Sunday forced to apologise for using racist language to describe an Asian colleague and making offensive remarks about gays.

The apology came after the *News of the World*, a London tabloid with a history of scraps with the palace, dug up a three-year-old private video in which the Prince, then an officer cadet at Sandhurst Military Academy, referred to a fellow Pakistani officer as "Paki," made fun of gays and mocked his grandmother, the Queen, in a "pretend" telephone call.

The newspaper said the video was made at an airport in 2006 as the Prince and his colleagues prepared to take a flight to Cyprus. Wielding his camcorder, he zooms in on a Pakistani colleague and says:"Ah, our little Paki friend....Ahmed." In another clip, he says to a colleague in an Asian headscarf that he looked like a "raghead," and refers to gays as "queer."

Even before the *News of the World* hit the stands, the royal family issued an apology on behalf of the 24-year-old gaffe-prone Prince to preempt the damage .

A statement from Clarence House, official residence of his father Prince Charles, said: "Prince Harry fully understands how offensive this term can be, and is extremely sorry for any offence his words might cause."

The Ministry of Defence condemned the Prince's behaviour saying that "this sort of language is not acceptable in modern army."

A senior Cabinet Minister, John Denham, called Prince's remarks as "offensive" while the Equality and Human Rights Commission demanded an inquiry. Royal aides sought to play down the episode saying that the Prince used the term "Paki" without any malice, and there was no intention to insult

ANNEXURE 9

The Hindu/ 13 November 2008

Huge job cut for immigrants in U.K.

Hasan Suroor

- Preference for native Britons
- Aim is to cut down immigration

LONDON: If you're a doctor, a teacher or a nurse and wish to migrate to Britain, forget about it.

These are among the thousands of jobs which will be off-limits for skilled workers from outside the European Union under the points-based immigration system to come into force later this month.

The Home Office on Wednesday said there would be 2,00,000 fewer jobs available to non-EU migrants than the original estimate.

"The number of positions available to migrants has been reduced from one million to just under 8,00,000, ensuring that only those foreign workers we need – and no more – can come here," it said.

The system is designed to give preference to native Britons and offer only those jobs to foreigners that cannot be filled locally. As Britain cannot bar EU citizens from coming here and working, the rules will affect only workers from outside the EU.

New rules will require employers, wishing to bring in foreign workers, to show that suitable local candidates are not available. They will have to advertise jobs and only when they are not able to fill them locally would they be allowed to recruit foreign workers.

"Tier 2 of the points system will ensure that British job-seekers get the first shot at jobs and only those foreign workers we need will be able to come to the United Kingdom," said the Home Office statement.

Border and Immigration Minister Phil Woolas said the system – aimed at cutting down immigration – was flexible enough to allow the government to raise or lower the bar according to the needs of local businesses.

"Had the points system been in place last year there would have been 12 per cent fewer people coming in to work through the equivalent work permit route. On top of this, the strict new shortage list means 2,00,000 fewer jobs are available via the shortage occupation route," he said.

Besides a range of other restrictions, foreign workers will be required to have English language skills and enough funds to support themselves in the first month of their stay in Britain.

ANNEXURE 10

The Hindu/ 3 October 2008

Indian migrants allege harassment

Hasan Suroor

- Case is not an isolated one, says forum
- It demands end to "unlawful behaviour"

LONDON: When Pooja Tandon, a highly-skilled Indian migrant who works and lives in London, returned from a holiday in Switzerland with her husband – also a legal migrant – and 18-month-old baby the last thing she expected was to be detained by immigration officials at Heathrow airport and threatened with deportation.

"The detaining officer first questioned us about our current employment status and then said he was detaining us for further enquiry and if he was not satisfied with it then he would deport us. The officer took our passports and went away. After sometime he came back and said that his superior had instructed him to let us go with a 'verbal warning'. We are really shaken by this incident. We felt being treated like criminals. We pay our taxes and national insurance and all other bills and are being threatened this way," said Ms. Tandon. According to the Highly-Skilled Migrant Programme (HSMP) Forum, which campaigns for the rights of migrants, Ms. Tandon's case is not an isolated one and legal migrants are routinely "harassed" by immigration authorities.

"Some have stopped going on holidays lest they should not be allowed to return," said Forum's executive director Amit Kapadia.

"We regularly receive E-mails and telephone calls about harassment and discrimination that workers who are in the U.K. under the Skilled Migrant visa face when they return from trips abroad though they are fully legally entitled to re-enter the country," he said.

In a statement, the Forum said in another recent case, an Indian doctor who has been in the U.K. for a decade was questioned by an immigration officer when he returned with his family from a holiday in India. In another case, a legal migrant from Nepal was allegedly detained at an airport in Northern Ireland for two days and threatened with deportation.

"He was asked why he was not working in his field of expertise. The fact is that Highly Skilled Migrant visas do not place any such restrictions," said the Forum demanding an end to what it described as "unlawful behaviour" of immigration officials.

"We are always willing to cooperate with enforcement agencies but we will not tolerate racial discrimination, harassment and unlawful actions of their officials," said Mr. Kapadia adding that the Forum would be forced to take legal action if such actions did not stop.

The Hindu/4 March 2009

Highly-skilled Indian migrants move court

Hasan Suroor

LONDON: The legal wrangle over the controversial changes to immigration rules for thousands of highly-skilled migrants, mostly from India, intensified on Friday with the migrants moving the High Court to demand a judicial review, arguing that the changes were "discriminatory" and a breach of trust.

Their petition relates to changes that affected their right to settle in Britain. Under the original scheme, highly-skilled migrants could claim British residency after four years. The eligibility requirement has since been raised to five years and is being applied retrospectively.

The retrospective application of new rules is unfair to those who came here under the old rules, according to the Highly-Skilled Migrant Programme Forum which filed the review.

"HSMP Forum does not object to the government applying these rules for new migrants wanting to enter Britain in the future – but existing migrants should get the treatment they were promised when they came here," said its spokesman Amit Kapadia.

He said that the government was going ahead with the new rules despite a court order that it must honour the original terms of the migrants' visas.

"Home Secretary Jacqui Smith obeyed only part of this ruling – she did not reverse the retrospective changes applied for settlement. She ignored parts of the ruling so she could keep the door open for future discriminatory changes that she intends to impose on law-abiding, taxpaying skilled migrants who have been here for several years already," he said.

A cross-party Joint Committee of the two Houses of Parliament on Human Rights also urged the Home Secretary to honour the order of the court.

"The Government made specific promises to Highly Skilled Migrants: that they would be eligible to apply for Indefinite Leave to Remain (ILR) after four years; and that to renew their visas they needed to prove they were working and supporting themselves, without any access to state benefits or public money. There was no scope in the scheme for these promises to be withdrawn. Yet the Home Office defaulted on those promises ..... We are now calling on Jacqui Smith to end what has become a costly court battle for the taxpayer, a deeply embarrassing affair for the government and an extremely stressful state of affairs for skilled migrants," the Committee said.

New student visa system for U.K.

Parul Sharma

NEW DELHI: Those aspiring to study in the United Kingdom will now need to clear a points-based assessment in order to obtain a student visa.

Beginning March 31, the U.K. will introduce a new student visa mechanism called Tier 4 of a points-based system wherein applicants need to score 40 points in order to qualify for a visa.

Speaking to *The Hindu* here on Friday, Chris Dix, Regional Director South Asia and Gulf of the U.K. Border Agency, said:

"Tier 4 will be introduced globally from March 31. There will be two major changes.

"First, educational institutions in the U.K. will need to take full responsibility of students who go there to study. They will have a far greater degree of responsibility than before.

"Second, we will be asking the institutions to make a judgment on an individual whether he/she is capable of pursuing the chosen course.

"Thereafter, the college will issue a visa letter that they are satisfied with the student and that they commit to take his/her responsibility," Mr. Dix said.

The new system will make the visa process "simpler, more objective, and more transparent" and will be a good thing for both the administrative agency and students.

ANNEXURE 12

The Hindu/20 January 2009

U.K. to lose status?

Hasan Suroor

LONDON: For all the excitement in Downing Street ahead of Barack Obama's inauguration as America's 44th President, the omens for Britain's famously "special relationship" with America did not look good after Mr. Obama's inner circle was quoted as saying he would treat Britain as merely "one of the crowd" of friendly nations.

ANNEXURE 13

THE HINDU • TUESDAY, JUNE 9, 2009

Right-wing parties gain in EU vote

Vaiju Naravane

PARIS: Conservative right-wing parties in several leading EU nations emerged victorious in the biggest trans-national election in the world, when 375 million voters from 27 EU countries cast their ballot to elect 376 Euro-deputies.

Centre-right parties in the largest EU member-states such as France, Italy, Spain and Poland registered large gains. Smaller but significant EU countries including Belgium, Hungary, the Czech Republic, Slovenia, Bulgaria and Cyprus also opted for the conservatives.

Only 43 per cent of voters cast their ballot, however, underlining the deep disenchantment, indifference, distrust and suspicion most Europeans seem to harbour for the EU. Ever since the direct EU parliamentary election was instituted in 1979, the rate of participation has been decreasing from mandate to mandate. In 2004, voter turnout was 45 per cent; this year it is 2 per cent less.

With the European People's Party securing 267 seats in the 736-member Strasbourg-based European Parliament, the conservatives retained their hold over the EU's Parliament. The Socialists secured 159 seats with 81 seats for the Liberal Democrats, who came third in the polls, followed by the Greens with 51 seats.

Social Democrats came in for the worst drubbing of their lives, with the French Socialist Party, for instance, obtaining less than 17 per cent of the vote. In Britain and Spain, where the Left is in power, the verdict was a clear warning to governments led by Gordon Brown in Britain and Jose Luis Rodriguez Zapatero in Spain that a general election defeat was around the corner and almost assured.

High unemployment across Europe, fears for jobs, pensions and social security have added to anxiety and increased voter dissatisfaction with mainstream parties, making them sceptical of the EU's power to help spur economic recovery. The conservatives strengthened their position thanks to severe anti-immigration measures adopted by many right-wing governments in power today, including France, Italy and Germany. In several countries such as Austria, Poland, The Netherlands, Denmark or the Czech Republic extreme-right fringe parties, including some openly racist and anti-EU formations, have made gains. In Austria, the extreme right-wing Freedom Party campaigned on an anti-Islam platform, with posters calling for "The Occident in Christian hands." In The Netherlands, exit polls predicted Geert Wilders' anti-Islamic party would win more than 15 per cent of the country's votes, bruising a ruling alliance of Conservatives and Socialists.

In Germany, the conservatives of German Chancellor Angela Merkel were returned to power while her centre-left rivals faced a crushing defeat less than four months before a national vote.

"The centre-left lost because it had no project, no real programme. Centre-left parties are adrift, riven by infighting and unable to come up with viable or attractive solutions at a time of great financial stress.

Also, they failed to recognise that the future of the planet has become a major issue of concern for many left-wing voters, hence the good showing of the ecologists in France which has scored extremely well. It is interesting to note that the Ecologists campaigned and won on European issues and ironically, the two main leaders of the ecologists are not French — Daniel Cohn-Bendit is German and anti-corruption judge Eva Joly is of Scandinavian origin," French constitutional expert and commentator Olivier Duhamel told *The Hindu*.

Portugal and Greece were the two exceptions where leftist parties made gains.

ANNEXURE 14

The Hindu/30 June 2008

Sikh girl wins right to wear bangle to school

Hasan Suroor

LONDON: A Welsh Sikh girl on Tuesday won her legal battle to wear a "kara" (bangle) to school after the High Court ruled that the school's decision to bar her from doing so amounted to indirect racial discrimination.

Sarika Watkins-Singh (14), a student of Aberdare Girls' High School in South Wales, was reprimanded by school authorities for insisting on wearing the "kara" and she was excluded from class last year.

The school, at which she was the only Sikh girl, does not permit pupils to wear jewellery, except wrist watches and ear studs.

Ms. Singh argued that it was part of her religious obligations to wear a "kara." Her lawyers told the court that it was as important to her to wear a "kara" as it was to the England cricketer Monty Panesar.

Ruling in her favour, the judge said: "In this case there is very clear evidence it was not a piece of jewellery but to Sarika was, and remains, one of the defining symbol."

He rejected the school's claim that a bangle could be seen as a "symbol of affluence" and observed that some of the watches worn by children at the school were more expensive than a simple steel bangle.

Judge Stephen Silber said he was told that in Sikhism the "kara" denoted the "God's infinity" and was effectively a "handcuff to God."

He ruled that the school was guilty of indirect discrimination under race relations and equality laws. He said the ruling was conveyed to the school and it had agreed to take Ms. Singh back.

After winning the case, Ms. Singh said: "I am overwhelmed by the outcome and it's marvellous to know that the long journey I've been on has finally come to an end. I'm so happy to know that no-one else will go through what me and my family have gone through. I just want to say that I am a proud Welsh and Punjabi Sikh girl."

In a statement, her father Satnam Singh said: "We are very pleased with the outcome of the case but we are extremely disappointed that we had to come to the High court in the order to give our daughter the right to wear the 'Kara' in school."

Rights group Liberty, which campaigned for her, also welcomed the judgment.

Ms. Singh also received support from a group of MPs, who backed a petition her family gave to Downing Street last month urging Prime Minister Gordon Brown to intervene.

Sarika Watkins-Singh reads out a statement outside the High Court in London on Tuesday. – PHOTO AP