

BRITISH
IMMIGRATION
POLICY UNDER
THE CONSERVATIVE
GOVERNMENT

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British Immigration Policy Under the Conservative Government

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Preface

Under Margaret Thatcher the Conservative party imposed a very tough immigration regime whose impact manifested itself into very serious negative consequences for immigrants from the Indian sub-continent, a region which made up thirty two per cent of all nationalities accepted for settlement in 1980. The exact reason for the tough stance on immigration is open to debate but there is no doubt that it was driven by a combination of political, economic, and nationalistic reasons. The cumulative impact of this tough approach was to cause the break-up and separation of families, which in turn caused suffering and distress among families. The strict approach also saw vigorous procedures to ensure that potential immigrants satisfied the criteria laid out and these were detested by the individuals who had to endure them. The controversial nature of the immigration controls and their impact on individuals was such that it attracted a great deal of criticism and generated much heated political debates.

There were a number of reasons why I chose this particular study, not all of which I can explain in great detail here. Firstly the Conservative party's immigration policy provided an intriguing example of a tough immigration regime in practice, regarded not surprisingly as one of the strictest in Western Europe during its time. Its severe controversy generated some fascinating debates, and had profound effects on the lives of many individuals.

Secondly this research was of interest to me as there has been no research done specifically on the *impact* on individuals of immigration policy under Thatcher, especially in relation to Scotland. Although it has to be said that as a native Scot giving the study a Scottish flavour gave me personal pleasure.

Glasgow has been chosen as the geographical focus of the study for a number of reasons. Firstly, it has a large community from the Indian sub-continent living there, giving me easier access to conduct a survey and to do individual interviews for case studies. Secondly, since there is a large

immigrant population, there are many organisations which have been around since the late 1970s and early 1980s based in Glasgow. These organisations could give me comprehensive knowledge of the problems faced by immigrants in the 1980s. Thirdly, the appellate authority is based in Glasgow which allowed me to sit through the appeal cases on immigration, and write about them when analysing individual cases. This gave me personal experience in the manner in which immigration appeal cases are conducted. Thus many of the political actors involved in the immigration procedures were near enough based in Glasgow i.e. Immigration Police, Adjudicators and Scottish Labour MPs. In other words choosing Glasgow was also a case of convenience that provided me with distinct advantages to undertake my work.

The conventional view expressed by most writers that the Conservative approach to immigration from the Indian sub-continent was discriminatory, harsh and unnecessarily strict, is I believe largely sustained by the findings of this book.

To set out my argument the book is divided into a number of chapters. Chapter 1 basically introduces the topic of this study, and reviews some of the most important contemporary literature in this field. Chapter 2 describes and analyses the legislative machinery which was at the heart of the Conservative party's enforcement of its immigration policy. Chapter 3 looks at the various organisations in Glasgow which had the task of protecting immigrant rights, and which had to tackle the legal impediments imposed by government laws by taking on the role of pressure groups.

Chapters 4 and 5 are dedicated to a comprehensive look at the impact on individuals of immigration policy during the Thatcher period, and what deductions can be made about the nature of such a policy. Chapter 6 provides the official view which allows the argument to be balanced. Chapter 7 examines the political perceptions from an MP's viewpoint on the question of immigration. The final chapter simply summarises and concludes the main findings of this work.

The book draws on a rich source of particularly primary sources including official Parliamentary documents and laws, and others which are far too extensive to list here. A considerable amount of fieldwork was involved. To start with all the parties involved in the immigration arena in were interviewed. This included the opinions of the civil servants

performing their duties as immigration officials. A survey was conducted on people from the Indian sub-continent living in areas of Glasgow, and the experience of individuals who provided extremely interesting cases was looked at. I interviewed immigration officials in Glasgow about their involvement in immigration and opinion on Conservative immigration policy. I attended regular sittings at a number of immigration cases. A visit to London was made to interview officials from the Home Office and Foreign and Commonwealth Office to get an opinion of how they handled their work, and the criticisms that were levelled against them. Scottish Conservative and Labour MPs were also interviewed to attain some insight into whether they considered the Conservative Immigration policy as discriminatory and if they themselves saw any flaws in the immigration procedures. By interviewing parties from all sides a balanced argument could then be pursued. This work represents the first attempt at tackling in detail the impact of Conservative immigration policy on individuals in Scotland. Most of the sources and information appearing in chapters three, four, five and six are therefore new. However, it has to be stressed that immigration is a UK wide issue and therefore the effects of the immigration regime are applicable to the rest of the United Kingdom.

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1 Introduction: The Issue at Hand and a Review of Contemporary Literature on Immigration

Introduction: The Issue at Hand

This book will examine the view that the immigration policies of the Conservative party under the Premiership of Margaret Thatcher between the years 1979-1990, enshrined in law were restrictive and discriminatory, and had a severely negative impact on immigrants from the Indian sub-continent. There is considerable evidence from immigrants from the Indian sub-continent and from other actors in the immigration debate such as organisations and MPs that white immigrants have been treated more liberally by the immigration process. They did not face the same procedural problems encountered by those from the Indian sub-continent; nor were so many rejected when they first applied for visas to enter Britain permanently or even temporarily. Officials and MPs admitted that it was easier for white immigrants to satisfy the immigration criteria. Organisations such as the Immigration Advisory Service pointed out that virtually no white persons came to seek their help in immigration matters, which suggests that the process of gaining entry for them was virtually trouble free.

One of the groups of individuals seeking to emigrate to Britain, who suffered from unequal treatment, as a result of the application of immigration policies, were nationals from the Indian sub-continent. This study will draw on a variety of direct evidence and information from the various parties involved in a highly sensitive process which attracted much political debate during the 1980s and early 1990s - documentary evidence and interviews

with officials, individuals and organisations will provide proof of the tough and harsh nature of the immigration regime in operation under Thatcher.

The claim that the immigration regime was particularly strict when applied to citizens from the Indian sub-continent will be supported by:

- Analysing the immigration laws passed during the 1980s, which will reveal flaws and unfair regulations;
- comparing the number of immigrants from the Indian sub-continent with relative numbers from other regions, including the White Commonwealth countries;
- looking at the numbers removed as illegal immigrants;
- investigating the actual exercise of authority and powers by the government's agents, e.g. Entry Clearance Officers, in terms of their conduct, interviewing techniques, and wording of questions. The argument will be made that unfairly worded and difficult application forms made entry to Britain difficult to achieve and provided an excuse for refusing entry when many applicants were unable to fill in a form correctly. Deliberately long waiting times, increases in complaints and in the use of organisations indicated that there was a problem with the system of entry in operation;
- establishing which categories of immigrants were adversely affected by the immigration control regime.

The terms 'fair', 'unfair', and 'racial discrimination' will arise at various points in this book in reference to the Conservative immigration regime. The following definition of these terms should be assumed:

Fair/Unfair the immigration regime could be said to be fair if equality of treatment applied to all those seeking entry to the United Kingdom. In the case of the Conservative immigration regime the charge of unfairness arises because many of those affected viewed procedures as not being impartial and unbiased. Evidence in this book will demonstrate that many of the regime's rules and procedures were not applied to all those seeking entry, e.g. the imposition of visas in 1986 singled out specific countries. All the countries of the Indian sub-continent are included in the list of visa

countries whereas none of the Old Commonwealth countries such as Australia, Canada, and New Zealand are included. In the case of Indian sub-continent nationals the primary purpose rule is widely considered unfair as it clashes with the culture of that part of the world, and puts extra pressure on those seeking entry by asking them to prove a 'negative'.

Racial discrimination This means unequal treatment solely on the basis of colour and culture. The selective imposition of visas is one example of discrimination. In addition, the Conservative immigration regime did not respect or accommodate the cultural aspects of the Indian sub-continent such as arranged marriages, and the primary purpose rule was perceived as discriminatory. There was also a lot of stereotypical thinking involved which assumed that all black or coloured visitors seeking a temporary stay would end up staying permanently. Some of the procedures and the attitudes of immigration officials were also viewed as discriminatory. This created a sense and perception of racism in the eyes of Indian sub-continent nationals.

Theories of Immigration

Different theories of immigration have emerged over the course of the 50 years or so since the second world war, a period which has seen changes in the degree and direction of international migration. The theories, which have been most accurately highlighted by Parekh,¹ distinguish three attitudes towards immigration and stimulate three types of government policy on immigration:

- **Liberal View** - According to this theory the policy should be one of unrestricted immigration providing that those who wanted to enter a state committed themselves to obeying the laws and acknowledging the established structure of authority. The liberal view perceives the free movement of people as a basic human right;
- **the Centrist View** - according to the Centrists, who essentially take the middle ground when it comes to immigration, immigration in principle should be allowed but some element of control has to be exercised in the light of global developments in the 20th Century. If there was totally

unrestricted entry, Centrists argue, this would encourage a huge influx of people merely on economic grounds which would have a detrimental effect on race relations and on the economy. Therefore some restrictions are necessary. Furthermore unrestricted entry would lead to considerable overcrowding, especially in the case of Great Britain which is essentially a small country;

- the Nationalist View - This is perhaps most controversial of the three theories because it advocates a virtual end to immigration and is against the inflow of any 'outsiders' who do not match the common stock of individuals constituting the large majority of citizens.

It is quite clear that the Liberal theory would be unworkable in the modern world given the vast economic disparities between different regions of the world thus attracting economic refugees. It would also be unworkable because of different political situations around the world which would attract many political refugees. In other words most would argue that a line has to be drawn somewhere so that immigration is subject to enlightened control.

The Centrist or middle ground theory is perhaps the most sensible approach to managing the question of immigration for those states like Britain who are concerned by the influx of immigrants. The nationalist view should have no place in today's world because it only serves to perpetuate racial tensions and discrimination, especially in multi-racial societies. States in the modern world are greatly heterogeneous today and many "...are products of considerable ethnic intermingling and cannot pretend to belong to a single ethnic stock".² This is no less true of Western states like the USA, Canada, Australia, and Great Britain. However, although it may be the most sensible approach to immigration, the Centrist theory has to be applied equally and justly. It will be argued that the British government did not conform to the principles of the Centrist view in principle (legislative enactments) or practice (implementation) after 1979.

A close look at Conservative Party policy on immigration would suggest that it falls into the category of the centrist view. However, this study will argue that in practice the views of various sections of the party suggest that official Conservative policy belonged somewhere between the Centrist and Nationalist viewpoints. Tory policy makers claimed they were adopting a largely middle ground approach, allowing a measured amount