

A Race To Exclusion

If there is one issue that has struck fear in the Left it is surely immigration. **Dave Cook, Fiona Mactaggart, Bernard Misrahi and Habib Rahman** argue it is time for a rethink and a new strategy

In November 1987 the third piece of immigration legislation in ten months reached parliament. This, the second reading of the latest immigration bill, is part of the most intense flurry of law-making on immigration for 15 years. The doors closing off Britain from its one-time black colonies will finally clang shut. The successive ties of empire, and now commonwealth, are being finally severed.

Governments since the 1960s have been moving towards this end. It is not surprising that the Thatcher government, which has the most racist supporters, the least sensitivity to civil liberties and the least sentiment about history, should be the one to conclude the process.

There are three reasons why it is urgent to oppose this bill and campaign for a non-racist immigration policy. The first is that its proposals are profoundly unjust and will cause great suffering. The second is that the government's view that only the toughest laws can save Britain (white) from being swamped by an alien mass (black) fuels the most dangerous racist fantasies. Anyone who doubts that those feelings are at the surface of much popular thinking has not been politically active in an urban area. The third is that thinking through what non-discriminatory alternatives could be requires fresh thinking about the principles of citizenship and internationalism. This could help the Left to set the agenda in this area instead of being continually on the defensive.

The present phase of government policy began in January when the government demanded that people wanting to visit Britain from five Asian and African countries would, for the first time, have to get visas. It is now

virtually impossible for most young men from the Indian sub-continent to visit relatives or friends in Britain. Following this the Carriers' Liability Act in March imposed £1000 fines on airline and shipping companies bringing passengers to Britain without proper travel documents. This has halved the number of people applying for asylum.

The new bill is the most serious in this current rush of legislation. The most far-reaching change proposed will make it more difficult for wives and children, mainly in the Indian sub-continent, to join husbands settled here. Men who have been here for at least 15 years will now have to prove that they are able to house and support their families. In effect only better-off families will be able to live together. It is inconceivable that white families from southern Africa, or the two million mainly white people with dual nationality who are entitled to come here at any time and who far outnumber all the families affected by the new bill, would be treated like this.

The largest number of black wives and children affected are in Bangladesh. In 1977, 26,600 were waiting for permission to join their men. Last year the figure was down to 8,200. Yet such is the determination of this government to close every remaining avenue by which black people can come into Britain that they are moving in vindictive haste to cut short a process that was anyway nearing completion.

It is worth pausing to consider what all this means to those Bangladeshi wives, children and grandparents trying to rejoin their families. Merely for the first interview in Dhaka the waiting period can be two years. Many have been trying for up to 10 years to



A Gujarati family christening

convince suspicious immigration officers in successive appeals that they are who they claim they are, or that the primary purpose of their marriage was *not* to get into Britain. The refusal rate is notoriously high, even though independent research has shown that the vast majority of applicants are genuine. On top of this are the effects on the children. In Bangladesh a new social group has been created, the 'Londonis', caught in limbo between two cultures. Londoni children are receiving education neither in their country of origin nor in Britain. One consequence of this is that in the east London borough of Tower Hamlets an estimated two thirds of London children under the age of 15 are not fluent in English.

Another section of the bill will make it a crime to overstay one's leave to enter Britain, thrusting police and prosecutions into the immigrant community on a much larger scale. The right to appeal against deportation, already very limited, will be even more severely restricted. A final section of the new law will prevent 'second and subsequent wives in polygamous marriages' from joining their husbands. This has been thrown in purely for its value as an immigration scare story. There are hardly any families like this trying to



A Gujarati family christening



come to Britain.

The argument in favour of present policy, is well known. 'Out there' is the 'footloose' Third World as Douglas Hurd has described it, large numbers of whom want to enter Britain to benefit from, if not its jobs, its social security system. If they are not stopped - and if their *hopes* of entering Britain are not firmly quashed now - the subsequent mass invasion will cause social services and the labour market to break into chaos and inner-city riots will be the order of the day. It is a potent and popular image, one actively espoused by some Tory MPs and one which cabinet ministers do nothing to dispel. Many of those who would have described themselves as liberal have also in the past accepted its logic.

This is not to say that all who give support to the Tories' 'firm but fair' immigration policy are conscious racists. Far from it. Many are worried by issues like the breakdown of a sense of community and the pace of change in the inner cities. For these wider anxieties 'too many immigrants' is an easy diagnosis with an apparently simple solution.

Yet the truth is that those in the Third World who do have the energy and resources to emigrate are perfectly

well aware that Britain is not the land of opportunity. It is a point made over and over again with wry bitterness by immigrants settled here as they watch the younger generation try other countries. The issue today in immigration politics is not the labour market. It is the family. The residual trickle still allowed (before the new act is passed) into Britain are coming to join their families. There are a few thousand of them. Even if the other reforms we suggest later were passed, restoring full citizenship to Britons overseas with no other nationality, we would be talking of about 100,000 people with the *right* to enter. It clearly is ridiculous to argue, as Mrs Thatcher has done, that even in the inconceivable event of these people deciding simultaneously to exercise that right, their arrival would 'swamp' a nation that has already absorbed several million immigrants over the past 40 years, and from whose shores a million more people have left since 1971 than have come in.

Despite the particular use this government is making of the myth of a mass of black immigrants, the process of racial exclusion has been going on throughout the century. Immigration policy has consistently been the most sensitive and emotive indicator of Britain's

changing relationship with less powerful nations. In the 19th century when Britain was the world's leading imperialist power it had no immigration controls. As with free trade, where protective tariffs were unnecessary because no-one else was in a position to compete, the empire on which the sun never set needed no restrictions on entry to the metropolitan country when the flow of population movement was in the opposite direction. The Liberal Party were strong defenders of this little publicised 'Victorian value'.

However by the end of the century Britain was losing its previously dominant position. It was in the period of economic decline, not of imperialist ascendancy, that immigration controls were introduced. A succession of laws, begun by the Liberals, but then enthusiastically enacted by both Conservative and Labour governments, has gradually cemented racial exclusion as the organising principle of our immigration system. This has been one of the longest periods of bipartisan policy this century, only coming to an end in 1984 when Labour, and then the Alliance, both adopted policies to repeal existing laws and replace them with non-racist alternatives.

The one exception to this process of intensifying racial exclusion was the 1948 Nationality Act. This set out to define the boundaries of empire rather than to restrict rights. However in the 1960s a renewed phase of restriction made entry for work its main target. The immigration acts of 1962, 1968 and 1971 placed further barriers to black British citizens living overseas entering the country. By the time this reality was translated into citizenship in the 1981 Nationality Act, the devaluation of the all-embracing citizenship left over from Victorian times was complete. The British passport held by some citizens from new commonwealth countries had become a worthless document. Contrary to much left mythology these restrictions were not introduced simply because employers no longer needed workers from overseas. For example when the 1962 Immigration Act was introduced there was a labour shortage in most of the towns where black people had settled. Unemployment was a tenth of what it is today. It was usually straightforward political pressure that forced the introduction of racist laws.

By 1971 primary immigration had ceased. In the most recent phase governments turned their attention to blocking family reunion. A simple list of the main issues shows this switch of emphasis - virginity testing, making it more difficult for grandparents and children of single parents to join their families here, rules to test the validity of marriage, and then the intention of marriage. With the new immigration bill the government is poised to bring the whole process to a grim conclusion.

The Left is finding it hard to adjust its

'The doors closing off Britain from its one-time black colonies will finally clang shut'



politics on immigration and nationality to this new situation. That so little headway has been made in the arguments over immigration owes a great deal to the strength of British racism, but it also stems from the Left's anachronistic frame of reference on the issue. The task now is not to try and reverse history, but to outline principles for a non-racist, non-sexist policy that start from the reality today. This policy will be different from what it would have been 25 years ago, not least because many black British people living abroad who were prevented from coming in now have other citizenships, and because the process of family reunion is much nearer completion. The whole system needs rethinking in a world that has passed the empire by and, in terms of citizenship, the commonwealth too. Everywhere the old links with the metropolitan countries are much weaker. Indian people are now just as likely to go to live in Canada as Britain.

Our starting point is the right of any government to define its citizenship (nationality law) and who is entitled to come into the country to live (immigration policy). Some people involved in anti-racist politics oppose all such controls. This is an understandable viewpoint given past experience. It is hard to believe that non-discriminatory alternatives could possibly exist.

Yet this approach is wrong. To argue that the rights of British citizenship should apply to everyone in the world, which is what the 'no controls' position means, is to fly in the face of all reality. The 'no controls' position is no use when it comes to effective politics. Instead of focusing on the racism and injustice in existing law, on which the government is vulnerable and against which powerful allies can be won, the argument is switched to hypothetical questions about whether Britain can cope with a major increase in population. This is where racists want to take the argument. It is why most black peoples' organisations have rejected the 'no controls' position. In the face of the human anguish caused by the present laws, utopianism is a luxury they cannot afford.

The right to citizenship is a fundamental human right. Nationality confers the basic rights of citizenship, including the right to live in a country, to leave it and to return. Indeed, all rights of citizenship depend on having this first, basic right of belonging to a state. The Nazis excluded the Jews from German citizenship to prepare the ground for the holocaust. The 1981 Nationality Act created three main categories of citizenship. The first, British citizenship, conferred full rights. People in the other two categories, citizens of British dependent territories and British overseas citizens, were not made stateless but they were deprived of all effective rights of citizenship. This consolidated the racial

The Making Of Aliens

1905: Aliens Act introduced by Conservative government. This first immigration act restricted entry of 'aliens', mainly Jews. Subsequent aliens' acts followed in 1914 and 1918 widening the definition of alien.

1948: British Nationality Act (Labour). Defined citizenship of the UK and Colonies (CUKC).

1962: Commonwealth Immigrants Act (Conservative). Withdrew the right to live in Britain from Commonwealth citizens and CUKCs from the colonies. Those people so restricted could apply for work vouchers which granted the indefinite right to live in Britain and to bring in their families, unlike work permits for aliens.

1964: Smethwick by-election. Labour loses this safe seat to a Tory who campaigned on the slogan 'Vote Liberal or Labour for a nigger neighbour'.

1965: Number of work vouchers available reduced by two thirds (Labour).

1968: Commonwealth Immigration Act (Labour). Removed the right of free entry to the UK from CUKCs who were not born in the UK and who lacked a parent or grandparent who was.

1971: Immigration Act (Conservative). Doors finally closed on black primary immigration, yet citizens of other countries who had parent or grandparent born in the UK (mainly white), were called 'patrial' and given entry.

1981: British Nationality Act (Conservative). Removed the automatic right of all children born in the UK to be British citizens. CUKCs whose right of entry to the UK had been removed by previous immigration acts were given defective forms of British citizenship without entry rights.

1987: Visa requirements introduced for visitors from five countries. Carriers' Liability Act cuts number seeking asylum by half. Immigration Bill introduced further to restrict family reunion (Conservative).

discrimination of previous immigration acts into nationality law. In its place, we need a new law of citizenship and the 1948 Nationality Act, suitably amended, could provide the foundation. It will have to establish a single category of citizenship guaranteeing equal rights for all who hold a British passport. Under the 1948 Act, the principal qualifications for nationality were either birth in British territory or by a British parent. These principles,

which have been shattered by subsequent laws, need to be re-established. Some of those British nationals who have lost their right to come here through one of the immigration acts, will not be affected. This is because they have taken on the citizenship of other countries. For others, this reform will restore citizenship rights. The most important group is the East African Asians. Because the UK promised the continuing right to enter and live in this country when the arrangements for East African independence were being made, many Asians, feeling insecure, did not choose local citizenship when that option was available. Now they have no other country in which they are entitled to live.

Once it is clear who is entitled to \$ single category of British citizenship the job of working out the principles on which a non-racist immigration policy could be based is much easier. People should either be full citizens of Britain or not. Those who are - and we are saying the present British overseas citizens who have no other nationality should be in this category - would be free from immigration control. Immigration policy for those who are not British citizens should be clear and applied consistently, regardless of race, without hidden rules imposed by immigration officials. The problem areas are asylum, families and visitors. People seek asylum because they cannot freely exercise their rights as citizens at home. It has long been accepted that it is the duty of nations to offer a form of citizenship, however partial, to those fleeing persecution. The Carriers' Act should be repealed and instead of the government pretending that it abides by the UN Convention on Refugees, it should incorporate the convention into British law.

As for families, it should be a basic civil right that people can live with their families and the partners of their choice. Not since destitute families were divided and forced into workhouses has a government so consistently flouted this principle as it does with poor black people today. There should be a clear right for the families of British citizens and of foreign nationals living here to enter the country.

The queue of black people wanting only to visit Britain who are held up at the passport check is an ever-present symbol of how wholly restrictive the government's rules on entry are in practice. The new visa requirements imposed in January 1987 aroused such anger because it was only visitors from certain very predictable countries who had to apply. Any visa system must be applied uniformly.

The suspicious and hostile attitude towards immigrants is fraught with implications for civil liberties. Thus there is no effective right of appeal in Britain for people summarily deported.

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The denial of common civil rights is tolerated when it is done in the name of keeping out aliens. Controls are already spreading to the welfare system where those with foreign-sounding names sometimes have to prove the legality of their presence when applying for benefits and health care. There should be a right of appeal for anyone who has a decision against them in an immigration matter. Controls should go no further than the point of entry. An amnesty would be important to give illegal residents an opportunity to break out of the fear and exploitation which dominate their lives.

This points to a need for more than reform of rules on entry. In order to break out of the framework of seeing everything to do with immigration in terms of exclusion and control, responsibility for immigration should be taken away from the Home Office, Britain's ministry for *internal* affairs. The Home Office cannot be both the guardian of civil liberties and the main agent for excluding and hunting down immigrants. Its impulse to exclude always dominates its duty to protect.

Although immigration reform has been discussed within a national frame of reference, there are important reasons for considering it in a wider context. A drive against immigrants is strong throughout Western Europe and this means that liberalisation of the law in 'one country' will become more and

more difficult. In France a racist backlash prevented Mitterand from delivering on his promise to extend the franchise to immigrants. If a reforming government is not to face powerful destabilising pressures ways must be found to develop EEC-wide strategies and also, unlike Mitterand, to campaign to win popular support for them. This would make it more difficult for racists to exploit the spectre of 'swamped' national cultures.

By throwing out racial exclusion as the dominating principle, other priorities for immigration policy can get a look in. One of these is to use it to promote political objectives that fit in with a new internationalism, for example to facilitate special opportunities for education and work experience in Britain. The ILEA annual teacher exchange between London and Jamaica could prefigure similar approaches in many other fields. Quite apart from Britain's history of colonial exploitation this should be part of a new deal with the Third World.


Many people say, what is the point speculating along these lines when what faces us is intensifying racism in immigration law, not its relief? At present there are campaigns attempting to mobilise opposition to the new bill. Most, like the Campaign Against Racist Laws, the Joint Council for the Welfare of Immigrants, the Immigration Widows Campaign and the Divided

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Families Campaign, involve only the immediate victims of the laws, black peoples' organisations and a handful of committed activists. In addition, campaigns against deportations have mushroomed, often reaching deep into local communities. Churches are giving sanctuary. Schools have campaigned against the expulsion of parents of their pupils. Some trade unions, notably NALGO, have organised demonstrations to resist the deportation of their members.

What is particularly important about these is the support they have won from white people. This has been done by focusing on the impact of racist laws on individual human beings, on families threatened with separation and on people whose lives are devastated by bureaucratic fiat. They have argued that it doesn't have to be like this, highlighting the contribution that those under threat make to the lives of their communities. By sticking to their own terms, by keeping the issue prominent, these campaigns have sometimes gathered broad support and won some remarkable victories. They point to a future where reform of an unjust law and the development of non-racist policies need not be hidden in the corner of the manifesto or approached in a hole in the corner way. They show the popular support that can be won for the cause of racial justice. This is a lesson which the Left desperately needs. •





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