CODIFYING COMMONWEALTH CITIZENSHIP: THE COMMONWEALTH, SOUTH ASIAN IMMIGRATION, AND CITIZENSHIP IN THE UNITED KINGDOM, 1945-1981

by

Heather R. Poussard

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Abstract

In 1948, the United Kingdom formally established two categories: Citizenship of the United Kingdom and Colonies and Commonwealth Citizenship, through the British Nationality Act. Premised upon the Commonwealth of Nations, this broad and extremely inclusive citizenship legislation would define British nationality and citizenship until 1981. The Commonwealth underwent significant changes in the late 1940s as the Dominions implemented their own distinct citizenships, beginning with Canada in 1946. Following their independence, India negotiated membership on more equal terms, emphasizing the inherent tension between member autonomy and unity. As South Asian immigrants asserted their rights to enter and settle in the UK as part of the legal community in the decades following 1948, British policy-makers responded with immigration controls, including the Commonwealth Immigrants Acts in 1962 and 1968, that in the end eroded the Commonwealth. The Commonwealth provides a lens from which to analyse the global dimensions of the late stage of British imperialism and the relationships between members during this period. Within the global context of decolonization, this thesis explores how the very existence of South Asian immigrants challenged the Commonwealth and ultimately resulted in its failure to remain a significant imperial and international organization. The Commonwealth was shaped and used by the UK, Dominions, and Colonies to further their own goals to limit or advance decolonization. The movement of British subjects from the Commonwealth to the UK played a significant role in the history of UK immigration and citizenship policy, eventually resulting in the erosion of the Commonwealth. Events and interpretations of increased South Asian immigration punctuate formal actions and policies enacted by the UK, which challenged both the Commonwealth and imperial unity and universality.

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Introduction

Between the years 1948 and 1981, British citizenship and nationality was defined by the category of Citizenship of the United Kingdom and Colonies (CUKC) established in the 1948 British Nationality Act. Since this category was not tethered to the distinct territory of the UK, millions of colonized and formerly colonized people of the British Empire, who were also defined as CUKCs, were grouped into one legal community; resulting in significant immigration implications.[1] South Asian British subjects, residing all over the British Empire were included in this new citizenship scheme and therefore formally enjoyed equal rights to white Britons. This posed unique challenges to the development of Britishness in the second half of the twentieth century as a nationally-defined identity developed alongside and in response to colonized people claiming their legal belonging in the UK. It was not until 1981 that a United Kingdom citizenship, defined by belonging to the distinct nation-state of the UK, was established.

Citizenship and immigration policies within the former British Empire unfolded within and alongside the creation and development of the Commonwealth of Nations in the late nineteenth and early twentieth centuries. The Commonwealth, officially introduced in 1926 and codified in 1931, has roots in the Colonial and Dominion meetings and conferences from the 1880s.[2] It was established as a club for the Dominions as their relationship to the UK was shifting away from direct political control. Inextricably connected to the British Empire, the specific goals and functions of the Commonwealth have changed over time. One of the earliest

[1] There were other categories introduced in the British Nationality Act that operated with varying rights (including or not including citizenship) within the sphere of British or imperial nationality, including Citizenship of Independent Commonwealth Countries, British Protected Persons, British Subjects without Citizenship, Irish citizens, and aliens. In terms of legal obligation, the most significant category was Citizenship of UK and Colonies.
[2] Saul Dubow and Richard Drayton, eds., *Commonwealth History in the Twenty-First Century* (ebook: Palgrave Macmillan, 2020), 8.

internationalist organizations, over the past century the Commonwealth has been conceptualized as a real or potential "imperial federation;"[3] "to provide a surrogate for colonial rule;"[4] as a new way to organize foreign relations as "a kind of halfway house between empire and normal international relations,"[5] or a "third great force in the world;"[6] as a "citizenship organization;"[7] and today as a force for global "prosperity, democracy and peace."[8] The Commonwealth has gone through major changes in structure, terminology, and goals. Important watershed moments in this period include the Balfour Report (1926), the Statute of Westminster (1931), the *Canadian Citizenship Act* (1946), India's membership as a republic (1949), the Commonwealth Immigrants Acts (1962, 1968), and the British Nationality Acts (1948, 1981). The historical development of the Commonwealth has resulted in an organization that is difficult to define, and the purpose, meaning, and usefulness, historically and contemporarily, are frequently debated.[9]

The Commonwealth is ultimately based on shared history and mutual understanding. The most important principle, first articulated in the Balfour Report and then codified in the Statue of Westminster is that of member autonomy. When introducing the idea for the British Commonwealth in 1926, it was made clear that all members "*are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and*

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[3] Peter Catterall, "The Plural Society: Labour and the Commonwealth Idea 1900–1964," *The Journal of Imperial and Commonwealth History* 46, no. 5 (September 3, 2018): 824. These early ideas of the Commonwealth becoming a new formal political structure for the states of the former British empire of course did not materialize.
[4] Krishnan Srinivasan, *The Rise, Decline and Future of the British Commonwealth* (Palgrave Macmillan, 2005), 1.
[5] Lorna Lloyd, "Britain and the Transformation from Empire to Commonwealth: The Significance of the Immediate Post-war Years," *The Round Table* 86, no. 343 (1997): 333.
[6] Francine Mckenzie, "In the National Interest: Dominions' Support for Britain and the Commonwealth after the Second World War," *The Journal of Imperial and Commonwealth History* 34, no. 4 (December 2006): 555.
[7] Tendayi Bloom, "Contradictions in Formal Commonwealth Citizenship Rights in Commonwealth Countries," *The Round Table* 100, no. 417 (December 2011): 640.
[8] "The Commonwealth of Nations," Home Page, accessed June 23, 2022, https://thecommonwealth.org/.
[9] Dubow and Drayton, *Commonwealth History in the Twenty-First Century*, 2.

freely associated as members of the British Commonwealth of Nations."[10] However, from its conception, the Commonwealth was inextricably connected to the British Empire as a whole.[11] While navigating devolutions of power and processes of decolonization, the UK held on to principles of universal British subjecthood and *Civis Britannicus sum.*[12] Immigration challenged these principles as the Dominions responded with exclusionary immigration policies and later local citizenship. This assertion of local autonomy and citizenship was fundamentally irreconcilable with the UK's goals of universal imperial or Commonwealth identity.

Thus, the Commonwealth exists with a foundational contradiction. The organization is built upon and upholds the independence of all members, but at the same time, universal British subjecthood is understood as an integral part of Commonwealth identity.[13] This project seeks to analyse the development of UK citizenship within the context of the Commonwealth of Nations. The arrivals of South Asian British subjects were understood by the UK and Dominions as a group that necessitated immigration control, thus illustrating the contradiction between autonomy and universality in the Commonwealth.[14] South Asian migration to the UK must be

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[10] Arthur Balfour, "Imperial Conference: Report of Inter-Imperial Relations Committee," *The Round Table* 17, no. 66 (1927): 430. Emphasis in original.

[11] Mansergh argues that there were slightly different definitions of the relationship between the Commonwealth and the Empire, grounded in part by the use of "British Empire" and "British Commonwealth of Nations" in the Balfour Declaration. For example, the Commonwealth could refer to the Dominions, while the Empire refers to the rest of the Colonies; or the terms may actually just be interchangeable words. Nicholas Mansergh, *The Commonwealth and the Nations: Studies in British Commonwealth Relations* (London: Royal Institute of International Affairs, 1948), 6–7.

[12] *Civis Britannicus sum* was famously said by Lord Palmerston in 1850 during the Don Pacifico Affair as a play on the phrase *Civis Romanus sum*, meaning "I am a Roman citizen." It was used to justify Palmerston's actions to force the Greek government to compensate Don Pacifico, a British subject, after acts of anti-Semitism destroyed his home. Pacifico was a Portuguese Jew, but had been born in Gibraltar and was thus a British subject. *Civis Britannicus sum* meant that British subjects could count on Britain to protect and defend them anywhere in the world. "Don Pacifico Affair | British History | Britannica," Encyclopedia Britannica, accessed June 22, 2022, https://www.britannica.com/event/Don-Pacifico-affair. In the context of the British Nationality Act, the phrase was used to describe the universality of British subjecthood.

[13] Erica Consterdine, "Community Versus Commonwealth: Reappraising the 1971 Immigration Act," *Immigrants & Minorities* 35, no. 1 (January 2, 2017): 3.

[14] Here Dominions refers to the "Old Dominions," "Old Commonwealth," or less commonly the "white Dominions," which includes the original three of Canada, Australia, and New Zealand, and later South Africa and

considered within the larger history of non-white colonial and Commonwealth immigration to the UK, especially from the Caribbean and Africa. However, the direct relationship between moments of increased South Asian arrivals and immigration control necessitates specific analysis and attention. Using archival, Parliamentary, and legal records, this thesis will demonstrate how South Asians shaped the trajectory of the Commonwealth. Indian officials helped broaden Commonwealth membership and the arrival of South Asian migrants contributed to the gradual erosion of the Commonwealth. This thesis, however, does not contain a significant empirical engagement with South Asians specifically, but rather endeavours to understand their role in shaping the Commonwealth through political and diplomatic channels and how their very existence as migrants challenged the Commonwealth and directly shaped citizenship and immigration in the UK.

Looking at the way South Asian migration was conceptualized, controlled, and restricted within the Commonwealth, this project will consider the Commonwealth not just as something that slowed or tempered decolonization, but created a legal and cultural forum and apparatus that worked to facilitate the development of decolonization.[15] These seemingly irreconcilable functions are premised upon the inherent tension between the Commonwealth's codification of member independence, while attempting to promote unity and legal uniformity, or at least

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Newfoundland. Ireland has special status and is not formally considered a Dominion, although in some contexts shares a similar position with the other Dominions. Although Ceylon, Burma, India, and Pakistan would adopt Dominion status for a time, for the purposes of this thesis they are generally not included when referring to the Dominions unless explicitly stated otherwise.

[15] In this context, decolonization does not refer only to the moment a Colony, Dominion, or other territory achieved political independence, but rather considers longer processes. Thus, the period of decolonization is not just the time immediately before or after political independence, it is also the complicated and ongoing process of navigating new post-colonial relationships and the emerging world order. After local citizenships were introduced within the sphere of the British Empire and Commonwealth, establishing a local citizenship was part of the independence process for former colonies. In the Dominions, who had established degrees of political independence prior to the Second World War, establishing local citizenship was a process of independence that occurred separately from their initial political autonomy.

cooperation, among the former colonies of the British Empire. The undesirability of South Asian migrants directly contributed to the development of citizenship, especially in the UK. At the same time, South Asians in India and throughout the British Empire used the Commonwealth and the legal apparatus premised upon the Commonwealth to further their own decolonization goals and claim their rights owed to all British subjects. The Commonwealth was, therefore, used by all members to advance or limit decolonization. Looking at state responses to South Asian immigration illustrates how their arrival in white-majority states exploits this intrinsic contradiction of the Commonwealth and undermines early imperial goals for universality.

The Commonwealth came together for a conference in 1947 to develop a new citizenship scheme and discuss a draft of what would become the 1948 British Nationality Act. This Act created a substantial territorially defined citizenship, which allowed for greater movement between the UK and the rest of the Commonwealth in the immediate post-war period. These years saw unprecedented numbers of immigrants from the colonies, including hundreds of thousands of people of South Asian descent. Prior to the 1948 Act, subjecthood was used to define belonging and determine rights of those in the British Empire. As regimes of citizenship were developed and finally codified in the late 1940s, subjecthood was an extremely important category that continued to exist alongside citizenship as a way to define one's relationship to the monarch, the Empire, and the Commonwealth. Before 1948, one's subjecthood determined rights to immigrate and settle in the UK. As Citizenship of the UK and Colonies developed with changing definitions and interpretations of subjecthood, it took decades of complicated citizenship and immigration legislation to disentangle subjecthood and immigration.

However, considerations of subjecthood and citizenship were debated within the British Empire long before the Commonwealth Conference on Citizenship and Nationality in 1947.[16] These debates occurred in the Victorian era, prior to the influence of the two world wars and "between the nineteenth-century civil citizenship ideal and the emerging notions of political and social citizenship."[17] As Daniel Gorman argues in *Imperial Citizenship,* historians of citizenship tend to highlight the important political dimensions of citizenship – particularly the franchise, and often "focus on citizenship in primarily domestic terms."[18] However, he emphasizes that discourse in the Victorian and Edwardian eras saw imperial citizenship as a larger discussion of Britishness and saw cultural connections as an integral part of citizenship in the British Empire.[19] Subjecthood and citizenship were thus not simply legal or political categories, but were intrinsically tied to cultural and racial ideas. These issues and questions were debated at Imperial and Colonial Conferences from the late nineteenth century. India's unequal participation in these imperial conversations surrounding migration, belonging, subjecthood, and citizenship did not mean that South Asians were not impacted by or considered in imperial affairs.[20] The question of race was a common theme throughout this period.

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[16] The Conference will be the topic of chapter 1.

[17] Daniel Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester: Manchester University Press, 2007), 16.

[18] Gorman, *Imperial Citizenship*, 9. Price, too, critiques the way that historians tend to conflate the franchise and citizenship, reducing citizenship from a claim to a political community, which includes the franchise, to simply the goal of achieving the right to vote. Peter Price, "Naturalising Subjects, Creating Citizens: Naturalisation Law and the Conditioning of 'Citizenship' in Canada, 1881–1914," *The Journal of Imperial and Commonwealth History* 45, no. 1 (2017): 3.

[19] Gorman, *Imperial Citizenship*, 10.

[20] Marie Lall explains that technically India joined the Commonwealth in 1917 when it participated in the Imperial Conference. M. C. Lall, *India's Missed Opportunity: India's Relationship with the Non-Resident Indians* (Aldershot: Ashgate Publishing, 2001), 53. However, in the Balfour Declaration, India is not included among the Dominions that make up the British Commonwealth, and India's "special position," was defined through the Government of India Act, 1919 rather than Balfour's report. The Commonwealth was premised upon equal status among members, and India was not afforded this equal status. Additionally, the Statue of Westminster which legally ratified the Balfour Declaration, only recognizes Canada, Australia, New Zealand, South Africa, Ireland, and Newfoundland; India is not mentioned at all. Therefore, India did not really become a member of the Commonwealth until after independence.

The principle of *Civis Britannicus sum* was frequently challenged by the Dominions pushing back against equal rights and status of racialized British subjects through immigration legislation.[21] In the late nineteenth and early twentieth centuries, most of the Dominions had policies that excluded British subjects of colour, with varying degrees of explicitness. For example, South Africa limited non-European immigration through the Natal Act of 1897, which required immigrants to pass a language test before they were granted entry. This was seen as a way to prevent the immigration of South Asians, without implementing explicitly racialized legislation. Historian Jeremy Martens describes the way that Australia and South Africa looked to the other to create restrictive immigration policy throughout this period.[22] Australia passed its own Immigration Restriction Act in 1901, also known as the White Australia policy, which was also based on a European language test. This policy aimed to limit all non-white immigration, but was particularly focused on limiting Asian immigration.[23]

These kinds of policies enacted in the Dominions illustrate the tension between desires for universal subjecthood in the UK, and the growing autonomy of the Dominions. In the late nineteenth century, as restrictive immigration policies were enacted in the Dominions, the British government attempted to curtail restrictions based on race, especially toward those who hailed from territories of the British Empire.[24] But, in 1911, the British government was forced to

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[21] This was discussed at conferences in 1897, 1907, and 1911. Mark R. Frost, "Imperial Citizenship or Else: Liberal Ideals and the India Unmaking of Empire, 1890–1919," *The Journal of Imperial and Commonwealth History* 46, no. 5 (September 3, 2018): 853–55.

[22] Martens describes how South Africa initially attempted to adopt a bill similar to New South Wales' racialized immigration bill of 1896, but under pressure opted to establish criteria not based explicitly on race. Later, the Natal test was used by Australia for their immigration legislation. Jeremy Martens, "A Transnational History of Immigration Restriction: Natal and New South Wales, 1896–97," *The Journal of Imperial and Commonwealth History* 34, no. 3 (September 2006): 323–44.

[23] National Archives of Australia, "The Immigration Restriction Act 1901," accessed June 25, 2022, https://www.naa.gov.au/explore-collection/immigration-and-citizenship/immigration-restriction-act-1901.

[24] Hugh Tinker, *Separate and Unequal: India and the Indians in the British Commonwealth 1920-1950* (Vancouver: University of British Columbia Press, 1976), 22–23.

concede that they could not control Dominion immigration policies and India requested that "policies of the white Dominions should be framed…with emphasis put upon exclusion on educational grounds, not on grounds of race."[25] Nevertheless, as historian Mark Frost describes, this allowance of "race feelings in the Empire's settler colonies," caused a fundamental shift in the conception of *Civis Britannicus sum.*[26] The growing sovereignty of the Dominions would be formalized in the Commonwealth and, to many, indicated the shift from the British Empire to the British Commonwealth.[27]

However, as Sukanya Banerjee explores in *Becoming Imperial Citizens*, Indians attempted to leverage their status as British subjects to claim more equal treatment and citizenship across the British Empire in the nineteenth century.[28] Subjecthood, citizenship, and claims to belonging frequently resulted in tensions between Britain, the Dominions, India, and South Asians living throughout the Empire. One of the most well-known examples of these tensions is the case of South Africa and their early discriminatory policies towards South Asians. Britain held an uneasy middle position at the turn of the twentieth century as Mahatma Gandhi and other Indians agitated for better treatment in South Africa.[29] Officials acknowledged that

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[25] Tinker, *Separate and Unequal*, 28.
[26] Frost, "Imperial Citizenship or Else," 854.
[27] Tinker, *Separate and Unequal*, 42. Martens argues that though Secretary of State for India, Lord George Hamilton, "expressed regret that the Natal government had seen fit to pass legislation that would exclude many British subjects….he recognised the right of a self-governing colony to regulate immigration, provided that legislation was applied equally to all immigrants and was not based on difference of race or colour." Martens, "A Transnational History of Immigration Restriction," 339. Richard Drayton talks about the "ambivalent," role the West Indies played, highlighting the much more significant role of the white Dominions in the "project to transform the British Empire into a voluntary union of sovereign nations." This speaks to both the role of race and the shift in Dominion autonomy in the early twentieth century. Richard Drayton, "Commonwealth History from Below? Caribbean National, Federal and Pan-African Renegotiations of the Empire Project, c. 1880-1950," in *Commonwealth History in the Twenty-First Century*, ed. Saul Dubow and Richard Drayton (ebook: Palgrave Macmillan, 2020), 50.
[28] Banerjee, Sukanya. *Becoming Imperial Citizens: Indians in the Late-Victorian Empire*. Durham: Duke University Press, 2010.
[29] Claims to better treatment were frequently grounded in the principles of imperial subjecthood; however sometimes other aspects of colonial ideology were used by Indians to stake claims of equality in South Africa. Mawani argues that Indians used the law and temporality to highlight their existing connection to the territory and

allowing the exclusion of Indians undermined lofty principles of imperial equality, but too much support for their cause would risk damage to Dominion relationships.[30] The additional significance of Gandhi's pressure to stop discriminatory treatment was that he "brought the plight of the Indians overseas to the notice of Indian national opinion."[31] Nevertheless, principle does not always translate to reality, and South Asians' movement continued to be restricted throughout the British Commonwealth.

The incompatibility of claims to universal subjecthood and citizenship were further complicated by the early twentieth century through official and non-official interpretations in Britain that often combined citizenship and subjecthood, using the terms without clearly defining each concept and their relationship.[32] Universal application of naturalization within the British Empire, for example, was impossible to achieve, even "though all the colonies of settlement discriminated to a greater or lesser degree against nationalities or races thought to be undesirable or unassimilable."[33] Concerns of imperial unity and local autonomy were present in various naturalization laws passed in the late nineteenth and early twentieth centuries. Up to the First World War, these acts emanated from Britain, but were quickly replicated by the Dominions. For

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thus their colonial future. Renisa Mawani, "Law as Temporality: Colonial Politics and Indian Settlers," *UC Irvine Law Review* 4, no. 65 (2014): 65–96.

[30] Frost, "Imperial Citizenship or Else," 853. Joseph Chamberlain, Secretary of State for the Colonies in 1897, is also quoted here expressing sympathy "with the white inhabitants of these colonies [the Dominions] which are in comparatively close proximity to millions and hundreds of millions of Asiatics," but reminds delegations at the 1897 Colonial Conference of principles of imperial equality (but the Natal Act, which was officially based on language, rather than racial requirements was acceptable). This significant distinction between territories of emigration and immigration appears regularly in these discussions and is an important turning point in the UK's own policy, as finally colonized peoples show up on their shores in greater numbers and force them to reckon with racialized immigration in practice, and not just in principle.

[31] Tinker, *Separate and Unequal*, 23. The diaspora would play a large role in India's relationship to the Commonwealth following independence. For more on the diaspora in post-independent India and the Commonwealth, see: Lall, *India's Missed Opportunity*.

[32] Frost, "Imperial Citizenship or Else," 850.

[33] Robert Bothwell, "Something of Value? Subjects and Citizens in Canadian History," in *Belonging: The Meaning and Future of Canadian Citizenship*, ed. William Kaplan (Montreal: McGill-Queen's University Press, 1993), 34.

example, Canada passed the *Naturalization Act, 1881*, "modelled heavily on the imperial Act of 1870," and operating under the understanding "that changes to the naturalisation law were necessary revisions to bring Canadian law into congruence with imperial law."[34] Changes in naturalization laws in the early twentieth century were designed to create a more uniform application of rights across the British Empire and create a formula for imperial citizenship.[35] At the 1911 Imperial Conference, Canada's Wilfrid Laurier asserted "the goal of an imperial citizenship was to ensure that "a man who was a British subject *anywhere*, should be a British subject *everywhere*.""[36] Nevertheless, naturalization across the Empire, though based on similar principles, did not necessarily create a universal imperial system. For example, since residency was the main feature to naturalization in the UK, a person naturalized in one of the Colonies or Dominions was technically not considered naturalized in the UK.[37]

Considerations of race and identity surrounded naturalization, citizenship, and immigration. Peter Price argues that in the Dominions, the universality of subjecthood did not easily translate to naturalization and a budding construction of citizenship. Rather than just a legal status, Price argues that Canada came to understand nationality as "a membership in a community of citizens, a term that was substantially conditioned by ideas of race and racial belonging."[38] This is exemplified for Price through Canada's debates and legislation to make naturalization easier for British subjects – in this case meaning Britons or other white subjects – and the simultaneous turning away of the *Komagata Maru*, which was carrying British subjects,

[34] Price, "Naturalising Subjects, Creating Citizens," 6.
[35] Price, "Naturalising Subjects, Creating Citizens," 1.
[36] Daniel Gorman, "Wider and Wider Still?: Racial Politics, Intra-Imperial Immigration and the Absence of an Imperial Citizenship in the British Empire," *Journal of Colonialism and Colonial History* 3, no. 3 (2002). Gorman pulls this quote from Ollivier's edited collection of conference proceedings. Emphasis in original.
[37] Gorman, "Wider and Wider Still?"
[38] Price, "Naturalising Subjects, Creating Citizens," 2.

but all were of South Asian descent. While not downplaying the racial aspect of these laws and attitudes, Gorman argues that some immigration legislation was "grounded less in racial animosity than in an exertion of local identity."[39] Keeping out racialized people was part of nation building since it allowed for the creation and establishment of a culturally homogenous community. This also highlights the interconnectedness between immigration and nationality or citizenship.[40]

In 1914, the *Komagata Maru* was infamously turned away by Canadian authorities in Vancouver. This action was the culmination of a series of discriminatory anti-Asian policies enacted in British Columbia and represents another instance of the tensions between claims of entry and citizenship, and universal imperial subjecthood. In 1908, the Canadian government amended the *Immigration Act*, and added a clause that introduced immigration controls on those who did not arrive in Canada "by continuous journey from the country of which they are natives or citizens."[41] Since there was no service offering a direct passage from India to Canada, this essentially prohibited all Indian migration into the country.[42] Before 1914, the government of India had attempted to intervene on behalf of South Asians in British Columbia but were

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[39] Gorman, "Wider and Wider Still?"

[40] There has been a lot written about immigration, citizenship and naturalization, racism, and anti-Asian policies in the white Dominions and the United States. These interesting and productive studies can contribute greatly to understandings of anti-Asian racism and immigration in the nineteenth and early twentieth centuries, including how the imperial context shaped experiences in this time. For example, see Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008). McKeown's global analysis is strengthened by his attention to anti-Asian patterns, trends, and connections, while recognizing that the specific legal and cultural status of Indians as British subjects means that they cannot always be directly compared with Chinese and Japanese experiences. That is not to say that the law always protected South Asian migrants within the empire, but that their experience in certain contexts is distinct from other Asian immigrants. This becomes especially significant when looking at South Asian claims to citizenship and belonging, which were frequently undergirded by their legal status within the British Empire. See, for example, Banerjee, *Becoming Imperial Citizens*; Frost, "Imperial Citizenship or Else."

[41] *An Act to Amend the Immigration Act*, S.C. 1908, c. 15, s. 30.

[42] Mongia, *Indian Migration and Empire*, 123.

unsuccessful.[43] Ultimately, Canada was able to turn away the *Komagata Maru* on the premise of the continuous journey clause.[44]

Where racialized British subjects understood the rejection of South Asian immigrants as a contradiction of the principle of British subjecthood, the individual right of each Dominion to define their own citizenship "was merely an extension of colonial practice…recognition that the requirements, and therefore the self-definition, of colonial political communities differed radically from that of the empire as a whole."[45] This event proved, yet again, that the Dominions had ultimate control over their own immigration policies, and Canada framed this as an issue of national autonomy.[46]

Empire is and was an integral part of the development of British nationalism and identity. Their unique position of both a union of nations and the metropole of a vast overseas empire resulted in a unique historical trajectory for the creation of Britishness. Therefore, the development of a British nationalism is both complicated and contested. The United Kingdom is made of up several distinct nations, and while these competing identities could never devolve into a completely unitary national identity, defining Britain against external Others could make a Britishness that was "superimposed over an array of internal differences."[47] Historians Linda Colley and Liah Greenfeld, writing about early developments of British and English nationalism, respectively, identify the way English, and later British, nationalism was rooted and maintained

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[43] Tinker, *Separate and Unequal*, 29.
[44] Mongia, *Indian Migration and Empire*, 132–33. The case of the *Komagata Maru* exposed the tension between Canadian immigration policies and the "legal entitlements of a British subject." Ultimately, the Canadian policy, built on the foundation of national autonomy was upheld.
[45] Bothwell, "Something of Value?," 34.
[46] Mongia, *Indian Migration and Empire*, 133.
[47] Linda Colley, *Britons: Forging the Nation, 1707-1837*, New Pimlico Edition (London: Pimlico, 2003), 6.

through differentiating Britons from the Other, most significantly through their Protestantism.[48] Britishness grew in the eighteenth century after union of England and Scotland in 1707, aided by the desire of elites, a history of frequent religious wars, extensive profit through growing global capitalism, and a successful empire. But by the late 1700s there was yet to be a distinct, singular Britishness that defined a "deeper sense of citizenship on the home front."[49] However, as Britain's overseas empire grew in size and significance, it worked to create a commonality among Britons. In seeing colonized people, who were largely of other races and religions, "Britons could feel united in dominion over, and in distinction from, the millions of colonial subjects beyond their own boundaries."[50]

The overseas empire is integral to the emergence of modern British nationality. By the twentieth century, when countries around the world, including the Dominions, were defining themselves in national terms and articulating modern forms of citizenship, the UK still derived its identity through empire.[51] The supremacy felt by Britons over their colonial subjects was coupled with paternalism which premised arguments for more inclusive citizenship. When colonized people began arriving in Britain in larger concentrations in the late 1940s, they were admitted to the political community as CUKCs. Though the formal distinction between Britons and colonial subjects was removed with the 1948 British Nationality Act, their arrival in the UK accentuated the intangible distinctions. Historian Kathleen Paul describes the way that post-colonial Commonwealth immigration and the subsequent development of British citizenship was

[48] Colley determines war, a literal confrontation with the Other, to be the ultimate mechanism that created Britishness. Colley, *Britons*; Liah Greenfeld, "God's Firstborn: England," in *Nationalism: Five Roads to Modernity* (Cambridge, MA: Harvard University Press, 1992), 27–87.
[49] Colley, *Britons*, 375.
[50] Linda Colley, "Britishness and Otherness: An Argument," *Journal of British Studies* 31, no. 4 (1992): 325.
[51] Rieko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain* (London: Frank Cass, 2003), 95–96.

negotiated between "competing communities of "Britishness" which challenged the policy-making elite's presentation of a single and singular British imperial national identity."[52] Competing with ideals of universal British subjecthood, the tradition of defining Britishness in opposition to colonial subjects resulted in efforts to control the immigration of non-white colonialized people. Thus, the creation of a distinct citizenship based within the nation-state of the UK was not inevitable, but rather developed over time as Britian and the rest of the empire distanced themselves from one another in various ways.[53] The multitude of identities, found both within Britain and the larger British Empire, both challenged and contributed to the definition of Britishness.

Citizenship and immigration are integral considerations in the development of the nation-state. Enacting and enforcing local immigration restrictions was a common and early way that the Dominions began to assert their independence and establish their own national identities.[54] Sociologist Radhika Mongia argues that Indian migration around the British Empire, including indentured labour and voluntary migration to settler-states, helps us to understand the "shift from a world dominated by empire-state into a world dominated by nation-states."[55] However, she cautions against methodological statism, and instead calls for "historicizing the relation between migration and the state," and not taking for granted the state as an entity or category, devoid of historical context and development.[56] She calls this process, as the monograph subtitle indicates,

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[52] Kathleen Paul, *Whitewashing Britian: Race and Citizenship in the Postwar Era* (Ithaca: Cornell University Press, 1997), xii.
[53] Even as a territorially-defined Britishness was articulated, there still remained internal divisions and overlapping identities of the constituent nations within the United Kingdom. These kinds of divisions remain today, evident in the 2014 Scottish Independence Referendum, for example.
[54] McKeown, *Melancholy Order*, 168.
[55] Radhika Mongia, *Indian Migration and Empire: A Colonial Genealogy of the Modern State* (Duke University Press, 2018), 1.
[56] Radhika Mongia, "Interrogating Critiques of Methodological Nationalism: Propositions for New Methodologies," in *Beyond Methodological Nationalism: Research Methodologies for Cross-Border Studies*, ed. Anna Amelina et al. (New York: Routledge, 2012), 200.

"a colonial genealogy of the modern state." It is important to keep in mind, however, that the relationship between the nation and immigration was a process, not an inevitability. Paying attention to specific historical events and contingencies allows Mongia to "avoid the pitfalls of a methodological nationalism that would suggest that migration has always been controlled in national terms and that state sovereignty embodies an inviolable right to exercise such control."[57] Adam McKeown, too, cautions against a presentist projection of the state's role in immigration: asking how flows have undermined the sovereign state is not the correct question, since "migration and the consolidation of an international system of nation states have emerged symbiotically…they were and still are complementary processes."[58] In this vein, this thesis attempts to trace British citizenship and nationality without adopting a teleological approach that a distinct, national citizenship was inevitable or, at certain points, desired. Rather, I take a global approach to analyse internal and external factors that eventually led to the multicultural nation of Britain today.

As Mongia argues, Canada was prevented in the early twentieth century from enacting explicitly racist immigration policies because of their imperial connection and the rights of British subjecthood. In order to achieve the goals of immigration control along racial lines, Canadian officials reoriented the debate to one of national sovereignty. In doing so they not only circumvented hurdles to immigration control, but intrinsically connected the development of the nation-state with immigration control.[59] McKeown describes how the international system

[57] Mongia, *Indian Migration and Empire*, 7–8.
[58] McKeown, *Melancholy Order*, 4.
[59] Mongia, *Indian Migration and Empire*, chap. 4.

operates under the principles that controlling immigration is a foundational part of sovereignty, and in return, sovereignty means having the power to control movement across borders.[60]

The story of South Asian immigration within the British Empire and Commonwealth certainly speaks to these themes. However, the commitment to empire, regardless of its superficiality, extended and prolonged this development in the UK. In this case, one should not assume the end goal of a nation-state deriving its citizenship through prescribed territorial borders as inevitable. Instead, the historical process of decolonization and relationships between the UK, Dominions, Colonies, and communities of British subjects in diaspora worked together in historically contingent ways to result in modern British nationality and citizenship – which did not appear in its current form until 1981.

The two contradictory principles, imperial unity and national autonomy, were each understood as central characteristics of British imperial values. Hugh Tinker points to Home Secretary W.C. Bridgeman's 1921 statement asserting that both imperial nationality and local citizenship represent core values of the British Empire, and could operate simultaneously. However, Tinker is quick to point out the primacy of local citizenship, and thus the weakness of the promise of universal rights upheld by British imperial subjecthood or nationality.[61] These universal rights were worn down by restrictive immigration and citizenship policies. Nevertheless, the dual concepts of local autonomy and imperial unity were integral to early iterations and understandings of the British Commonwealth.

The British Commonwealth grew out of, and continued to develop into, a forum in which the Dominions and the UK could create and debate policy regarding both the members of the

[60] McKeown, *Melancholy Order*, 2.
[61] Tinker, *Separate and Unequal*, 74.

British Commonwealth and the rest of the British Empire. The Balfour Report, which came out of the 1926 Imperial Conference and officially defined the early Commonwealth emphasized the equal status of Britain and the Dominions – they had autonomy in internal and external affairs, but were still "united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations."[62] The Statute of Westminster, which was passed by the UK parliament in 1931, did two important things. First, it officially defined legal independence of the Dominions, which until then had operated in principle but was not officially codified. Second, it formally established the British Commonwealth. Thus, the creation of the Commonwealth itself was, at least for the Dominions, an important event in their own process of decolonization and nation making.[63] The Inter-Imperial Relations Committee recognized that this equality is "the root principle governing our Inter-Imperial Relations."[64] Though coordinated inter-imperial relations was a foundational goal of the Commonwealth, the Dominions were not legally required to fall in line.

Commonwealth history as a field flourished from the 1930s to the 1960s. Punctuated by important interventions, the field was petering out by the end of the twentieth century. However,

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[62] Balfour, "Imperial Conference: Report of Inter-Imperial Relations Committee," 430. This kind of language would carry through to the official legislation, as seen in the 1931 Statute of Westminster and will be a significant part of the consideration of India's membership in the Commonwealth.

[63] The Balfour Declaration of 1926 is frequently cited by the Dominions as part of the constitutional process of their nation-state. For example, the Museum of Australian Democracy features the Balfour Declaration in their "Documenting a Democracy" collection and describe it as a document that "represents an important step in Australia's path to independent nationhood." Museum of Australian Democracy at Old Parliament House, "Balfour Declaration 1926 (Imperial Conference)," Documenting a Democracy, accessed December 7, 2021, https://www.foundingdocs.gov.au/item-sdid-95.html. Canada, too, emphasizes these developments, calling the Statue of Westminster, "a truly significant milestone in our evolution as an independent nation." Government of Canada, "Anniversary of the Statute of Westminster," Canada.ca, accessed June 25, 2022, https://www.canada.ca/en/canadian-heritage/services/important-commemorative-days/anniversary-statute-westminster.html.

[64] Balfour, "Imperial Conference: Report of Inter-Imperial Relations Committee," 431. Significantly, India is mentioned with special position in this report, but is not considered on the same level as Britain or the Dominions. Rather than being governed by these principles of the emerging British Commonwealth, India was "already defined by the government of India Act, 1919." Nevertheless, this represents the particular importance that India held to the Commonwealth, even from the very early days of the organization when India was not afforded membership.

as Saul Dubow and Richard Drayton argue, the usefulness of the Commonwealth as a way to engage with topics of cultural, legal, and social history is now increasing. As scholars continue to understand the past, especially the late phase of the British Empire and decolonization, within global contexts, the Commonwealth "remains an important terrain of contemporary historical engagement."[65] For this project, the Commonwealth is useful as both a topic and category of analysis. The history of the organization forces the reconsideration of global trends, events, and exchanges to the history of immigration to the UK. As a category, it anchors an analysis within the context of global decolonization. The organization helped define and shape post-colonial relationships and thus illustrates how imperialism contributed to immigration and citizenship in the UK and the larger British Empire.

This thesis advances the idea that the British Commonwealth was used as a forum to convince the Dominions to temper their own processes of decolonization, and by the Dominions, and later independent Colonies, to further their independence within the imperial sphere. Using the Commonwealth to analyse the developments of decolonization in the post-war period provides a lens in which to understand global connections. The Commonwealth as an international organization offers a foundation from which to understand the relationships between members, but it also allows for ways to consider how members and the organization interacted with other global actors. This project asserts that colonial and post-colonial immigration and citizenship in the British Empire requires not only consideration of empire, but is fundamentally part of the story of the Commonwealth of Nations.

Anchored by the Commonwealth, this thesis contributes a study of the global history of the development of immigration and citizenship in the UK. The Commonwealth is used as a

[65] Dubow and Drayton, *Commonwealth History in the Twenty-First Century*, 6.

reference and lens to inform this analysis. The Commonwealth and the way that members interacted with the organization and each other demonstrates the complex history of citizenship and immigration. This global perspective illustrates the way the Colonies and legacies of imperialism shaped this history; it emphasizes the way that British history cannot be understood as a domestic story, occasionally interacting with global actors. Rather, the story of British legislation, intended to define domestic policies of citizenship and residency, were created, discussed, and implemented in a larger story of empire and global decolonization. South Asian British subjects do not become part of British history only when they enter the UK. The presence and conceptualization of South Asians throughout the British Empire exemplify the interconnectedness of histories of citizenship and immigration in the Dominions, Colonies, and UK itself.

The Commonwealth was used by the metropole, the Dominions, and the Colonies to assert rights and create distance in the process of decolonization in the second half of the twentieth century. The nature of the Commonwealth and its trajectory was substantively shaped by the Colonies as they navigated their independence and membership. The relationship between the Commonwealth and decolonization will be understood within the contentious terrain of citizenship and immigration, particularly in how these related to South Asians in the Commonwealth. Gorman argues that immigration is the ideal topic through which to explore questions of empire because immigration "reveals attitudes and ideologies of citizenship, and help illustrate how imperialism was constituted."[66] Backlash to South Asian movement within the Commonwealth and the resulting immigration restrictions point to the underlying tension of the Commonwealth, which prioritizes universal subjecthood and inter-imperial cooperation,

[66] Gorman, "Wider and Wider Still?"

while simultaneously creating, defining, and buttressing local independence and equal status of members.[67] As member autonomy continued to outweigh member equality and early principles of the Commonwealth, colonial immigration resulted in the essential deterioration of the Commonwealth. Moments of South Asian arrival underscore this process as they directly resulted in attitudinal and policy and legislative change.

The first chapter analyses the 1947 Commonwealth Conference on Nationality and Citizenship and the development of the Commonwealth in the immediate post-war years. It first contextualizes the *Canadian Citizenship Act* within the British Commonwealth and understandings of British subjecthood. In addition to defining a new distinctly Canadian citizenship, the Act disrupted the common code, the established practice of nationality within the British Commonwealth. This necessitated an experts' conference to reconsider how nationality, citizenship, and subjecthood would operate in and among Commonwealth members. The conference demonstrates the way that Dominion autonomy challenged British ideals for universal nationality. It also foregrounds the way that the Dominions could easily assert their independence within the forum of the Commonwealth, and that the structure of the Commonwealth supported their independence above unity. At the same time, it shows how the UK and the Dominions were still committed to maintaining connections, even though they required flexibility and often came second to national interest. The UK used the conference to discuss and adjust their own nationality bill, which would eventually become the 1948 British Nationality Act. The UK Act emphasized imperial connections and established an extremely inclusive definition of British nationality and citizenship.

[67] While intra-imperial may be a more appropriate term to describe the relationship between members of the Commonwealth and wider empire, the Balfour Declaration uses the term inter-imperial.

At the same time the Commonwealth as an organization was undergoing significant change. The rest of the chapter looks at India's post-independence relationship with the Commonwealth. After independence in 1947, India had the option to stay in the Commonwealth as a fully independent member. The UK was keen for India to be a part of the organization, but India was unwilling to accept the colonial foundations, especially the Crown as a unifying requirement of all members. Using the principle of member autonomy in domestic affairs, India successfully fought to reconcile their republicanism with the Commonwealth. Immigration, citizenship, and the Indian diaspora were integral to India's decision to remain in the Commonwealth. For Indian elites in favour of the organization, it was seen as a platform to implement their foreign affairs goals, and forum for India to fight for better treatment for South Asians overseas in the Dominions. Both the Conference and India's newly redefined relationship with the Commonwealth contributed to the content of the 1948 British Nationality Act.

The second chapter begins with an analysis of the 1948 Act and its relationship to immigration to the UK. While not intending to be a piece of immigration legislation, the Act would ultimately be the basis of post-war immigration policy. The majority of the chapter is concerned with the increasing arrival of South Asian and other non-white Commonwealth immigration to the UK. Beginning with an analysis of the arrival of the infamous *Empire Windrush*, the context of Commonwealth immigration changed significantly after the Second World War. This shift in immigration pattern occurred simultaneously with the passage of the British Nationality Act, which codified the right of free access to the UK of all British subjects. Immediately, the UK attempted to limit non-white Commonwealth immigrants. This was exclusively undertaken outside official channels, as various UK administrations were unwilling to disrupt the citizenship scheme established in the 1948 Act.

As Commonwealth immigrant numbers rose and their visibility increased, there was increasing opposition to immigration and growing nativism throughout the 1950s. Still, until the 1960s, UK governments were unwilling to weaken the scheme of universal British subjecthood that was established in 1948. Outbreaks of violence, mainstream racist rhetoric, and calls for immigration control demonstrate the contradiction of the Commonwealth, as the UK balanced Commonwealth principles and a narrowing understanding of Britishness. The chapter concludes with a discussion of British Subjects without Citizenship following Indian independence and the establishment of Indian citizenship. This status, defined in the 1948 Act, was meant to be temporary, but the UK was unwilling to bestow Citizenship of the UK and Colonies on those British Subjects without Citizenship who would not obtain Indian citizenship. The episode shows how the promises made in the 1948 Act were, in practice, ultimately created to protect white British subjects who resided in other territories, rather than establishing an empire-wide universal nationality. Britishness was narrowing along racial lines, and growing numbers of South Asian and other colonial immigrants forced the UK to reckon with who exactly they considered as part of the British community of citizens.

Chapter three begins by situating the Commonwealth within the global decline of empire. Mass decolonization, especially in Africa, Britain's turn to Europe and the European Economic Community, along with nativism and calls for immigration control background the declining commitment to imperial values espoused in 1948. The first law to limit migration from Commonwealth members, the Commonwealth Immigrants Act, was passed in 1962. Though not dismantling the 1948 Act, the Commonwealth Immigrants Act was the culmination of the erosion of universal subjecthood which began in the Dominions in the nineteenth century. The Act did not solve the problem of Commonwealth immigration or racial harmony in the UK,

however. In the years following 1962, racism only increased, exemplified through the 1964 Smethwick election results and Enoch Powell's speeches garnering mainstream attention.

The third chapter then focuses on the Kenyan Asian crisis, in which South Asians unwanted by the newly independent Kenyan government tried to use their status of CUKCs to gain entrance to the UK. The UK response demonstrates the British abandonment of Commonwealth principles of universal subjecthood. Though legally responsible for Kenyan Asians who are unable or choose not to obtain Kenyan citizenship, the UK attempted to discourage and limit their entrance to the UK. Realizing the 1962 Act would not protect the UK from influxes of unwanted South Asians from recently independent states, the UK introduced a second and more thorough Commonwealth Immigrants Act in 1968. This iteration premised access to UK citizenship on ancestry that can be traced to the UK, limiting access for those CUKCs from the overseas Empire.

Finally, the thesis concludes with a brief discussion of the expulsion of South Asians from Uganda in 1972. The UK response illustrates the complete dismantling of the common scheme developed in 1947. The UK emphasized the event as a refugee crisis, in a direct attempt to reduce their own responsibility and garner support from the Commonwealth and larger international community. The Ugandan Asian crisis shows the deterioration of the Commonwealth as a significant international organization and a mechanism to enable and protect immigration throughout the former British Empire. Ultimately, though the Commonwealth may have promoted ideals of universality and equality, it was ineffectual in guaranteeing the rights of British subjects and upheld member autonomy at the expense of Commonwealth unity.

Rather than functioning as a direct extension and legacy of imperial power, the Commonwealth developed within the context of decolonization and increasing political power of

the former Colonies. The Dominions used the Commonwealth to maintain their connections with the UK while securing their own national interests and advancing their national identities. This process continued as the Colonies, significantly India, gained independence and negotiated their position in a changing, multi-racial Commonwealth. The presence of South Asian migrants in the UK caused Britons to reconsider their commitment to the Commonwealth and ultimately led to the disintegration of the Commonwealth as a functional and significant international organization and imperial legacy.

Chapter 1

"a profound change in the conception of the Commonwealth": The Development of Commonwealth Citizenship, 1946-1955

On March 14, 1946, Canadian Speaker of the House, Gaspard Fauteux, opened the second session of the twentieth parliament by reading the Governor General's Speech.[68] He told Canadian Members of Parliament that this parliament will deal with a bill "to revise and clarify the definition of Canadian citizenship, and to bring the legislation respecting national status, naturalization and immigration into conformity with the definition of citizenship."[69] *An Act respecting Citizenship, Nationality, Naturalization and Status of Aliens*, otherwise known as the *Canadian Citizenship Act* was given royal assent on June 27, 1946; the act, a "symbol of nationhood," was officially proclaimed on July 1, 1946 and it came into effect on January 1, 1947.[70] This was the first distinct citizenship act passed by a member of the British Commonwealth.

The act represented both national and imperial implications, motivations, and consequences and therefore must be understood within a co-constitutional framework.[71]

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[68] The Governor General at the time was the Earl of Athlone.

[69] Gaspard Fauteux, "Governor General's Speech," 14 Mar, 1946, Can Parliamentary Debate, H.C., 20th parl., 2nd session, vol. 1, p. 2.

[70] W. L. Mackenzie King, "Canadian Citizenship," 28 Jun, 1946, Can Parliamentary Debate, H.C., 20th parl., 2nd session, vol. 3, p. 2987.

[71] Gorman critiques "national histories of the dominions, which read imperial events within the frame of the birth of a nation, and consequently under-emphasize imperial connections. This theme is particularly notable in Canadian history." He pushes back against even those scholars who have "treated the imperial theme seriously," but still always ground their work in nationalisms – whether English or Canadian. Gorman, *Imperial Citizenship*, 12-13. Francine McKenzie makes a similar call to bring histories of the Dominions in conversation with imperial and Commonwealth history. In her work on the Dominions and the Commonwealth, McKenzie "attempts to reconnect imperial history with the nationalist historical interpretations in Canada, Australia, New Zealand and South Africa which dismiss, repudiate or ignore the connection to Britain after 1945." Francine Mckenzie, "In the National Interest: Dominions' Support for Britain and the Commonwealth after the Second World War," *The Journal of Imperial and Commonwealth History* 34, no. 4 (December 2006): 554.

Domestically, emerging nationalism born of great conflicts in the twentieth century and a new place within global organizations like the League of Nations helped to shape and promote a distinctly Canadian identity. Additionally, divisions within Canada, particularly between French and English speakers could be brought together through a new definition of a Canadian.[72]

From the outset, Canada was aware of the repercussions this would have for imperial and Commonwealth relations. There were many English-speaking Canadians concerned about the new bill, including Conservative MP John Diefenbaker, then a backbencher, who "was concerned about how the Canadian action could endanger the unity of the British Empire and Commonwealth."[73] Though ultimately British subjecthood would remain an integral and codified aspect of Canadian citizenship in the Act, Canadian newspaper coverage identified imperial consequences. *The Globe and Mail* argued that this act only formalized the Canadian citizenship that already existed in principle. However, in the same article, they point out longer residency requirements for British subjects to obtain Canadian citizenship than for Canadian citizens to obtain citizenship in other Commonwealth countries as "an inconsistency…which is unworthy of the traditional relationship existing between the co-equal Dominions and Mother Country."[74]

Since Canada still recognized their citizens as British subjects, they were still involved with the imperial system of nationality. Thus, following the passage of the *Canadian Citizenship Act*, it was important that the other members of the British Commonwealth accepted the new

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[72] Mann emphasizes the importance of the divide between French- and English-Canadians in discussions of the *Canadian Citizenship Act.* Morton, while acknowledging the significance and history of the French and English divide, also looks at the great variety of cultural backgrounds of Canadians that contributed to pressures to establish a more distinct Canadian citizenship by the middle of the twentieth century. They both speak to the way that the Second World War changed the relationships Canadians had to the British Empire. Jatinder Mann, "The Evolution of Commonwealth Citizenship, 1945–1948 in Canada, Britain and Australia," *Commonwealth & Comparative Politics* 50, no. 3 (July 2012): 295; Desmond Morton, "Divided Loyalties? Divided Country?," in *Belonging: The Meaning and Future of Canadian Citizenship*, ed. William Kaplan (Montreal: McGill-Queen's University Press, 1993), 50–63.

[73] Mann, "The Evolution of Commonwealth Citizenship," 296.

[74] "Clarifying 'Citizenship,'" *The Globe and Mail*, January 4, 1947.

definition of Canadian citizenship and status of Canadian citizens as British subjects.[75] The Commonwealth Conference on Nationality and Citizenship was organized to take place in London in February 1947 to discuss changes to nationality status within the British Commonwealth and, most importantly, discuss the draft of what would become the British Nationality Act.

The British Nationality Act, 1948 is a watershed piece of legislation in defining subjecthood and citizenship within the British Empire. Before its introduction in parliament, a draft of the bill was debated by experts from all Commonwealth countries at the Commonwealth Conference. This conference was an important event in the development of distinct national citizenships within the British Commonwealth and exemplified the tensions of Dominion autonomy and imperial universality. Though India was not present as a participatory delegation at the conference, Indian perspectives were integrated into the Act before it was passed. The abandonment of the common code and draft bill that came out of the conference are significant considerations in understanding the relationship Indians had to the Commonwealth. Additionally, the citizenship scheme and the development of political status and rights of entry throughout the Commonwealth would be a major contribution to South Asian experiences of migration in the second half of the twentieth century. This is especially apparent when analysing how India both worked within and challenged these concepts and formulas when creating their own constitution, citizenship legislation, and even the possibility of their continued membership in the Commonwealth.

[75] Warren Baldwin, "Empire Study: Canada's Act Citizenship Example," *The Globe and Mail*, December 24, 1946.

The Common Code, Common Status, and the *Canadian Citizenship Act*

Prior to World War Two, the British Commonwealth, made up of UK and the old Dominions, operated within a common code. Laws regarding and defining nationality, which generally originated in the UK, were then essentially replicated in the Dominions, resulting in functionally identical laws across the organization. British officials proclaimed that the common code thus cemented the universal understanding and treatment of British subjects as citizens throughout the British Commonwealth.[76] Although, as evidenced by racial restrictions employed by the Dominions, "the desirability of expanding the benefits of the larger empire vanished…the twentieth century witnessed the division of the empire and, eventually, even the loss of the notion of a common subjectship."[77] Therefore, the common code and its future feasibility were important considerations of the 1947 conference. Since the common code emphasized universal jurisprudence, a system was put in place that demanded any new nationality legislation must be "made as a result of consultation and agreement between the members of the Commonwealth."[78] At the 1937 Imperial Conference, the topic was considered and practical challenges to the common code in regards to nationality were discussed. Ultimately, it was becoming clear that the common code was no longer suitable going forward since there may be instances where legislation should be introduced and passed more quickly than the consultation process of the common code would allow.[79]

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[76] Outside the common code, Ireland defined the nationality of its own citizens through both the Constitution of the Irish Free State (1922) and the Irish Nationality and Citizenship Act (1935). These were separate from the way British subjecthood was defined in the rest of the British world. "British Commonwealth Conference on Nationality and Citizenship Report," 26 February, 1947, 1-2, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT.
[77] Robert Bothwell, "Something of Value? Subjects and Citizens in Canadian History," in *Belonging: The Meaning and Future of Canadian Citizenship,* ed. William Kaplan (Montreal: McGill-Queen's University Press, 1993), 34.
[78] "British Commonwealth Conference on Nationality and Citizenship Report," 2. NAA: A467, SF40/1 REPORT.
[79] "British Commonwealth Conference on Nationality and Citizenship Report," 2. NAA: A467, SF40/1 REPORT.

The first real challenge to the common code came when Canada passed their own citizenship act in 1946. Canada notified the UK that they would be introducing new legislation to legally define Canadian citizenship in September 1945. Though there was an official notification, Canada implemented new legislation without consultation with the other members of the Commonwealth. In doing so, Canada deviated from both the process and the principle of the common code, thus both establishing and proving their legal autonomy. Canada's action can therefore be seen as an act of decolonization, an act of distancing themselves from the imperial processes and restrictions of the common code. However, Canada's repudiation of the common code should not be understood as a repudiation of either the British Commonwealth or British subjecthood. Canada continued to be an active member of the Commonwealth, helping to develop a new citizenship scheme, and enshrined British subjecthood in their citizenship legislation, alongside distinct Canadian citizenship.

Canada was asserting their national sovereignty by passing the *Canadian Citizenship Act.* Though the Dominion had in the past created legislation regarding naturalization, this was on the whole in line with, and in response to, British legislation.[80] This law showed divergence from usual imperial politics and an assertion of both Canadian autonomy and identity. The *Canadian Citizenship Act* represented an action that not only served to legally define Canadian citizenship and membership in Canada's political community as something connected but distinct from the Commonwealth, but was done without normal consideration of the UK and the other members of the British Commonwealth. Canada was not the only Dominion developing their own citizenship or identity. Many of the Dominions had been establishing "citizens of their own and tied their

[80] Peter Price, "Naturalising Subjects, Creating Citizens: Naturalisation Law and the Conditioning of 'Citizenship' in Canada, 1881–1914," *The Journal of Imperial and Commonwealth History* 45, no. 1 (2017): 1–21.

status to immigration control," and when Canada passed their citizenship law in 1946 and "broke the common code system, all the Dominions had developed local citizenship of their own in one way or another, albeit to an extent which did not deny the common code."[81]

The *Canadian Citizenship Act* was a large step forward in defining Canada's own nationality and a small move away from the UK and the common code; however, this Act should not be understood as an attempt to extricate Canada from Britishness, nor an effort to remove Canada from the British Empire or Commonwealth. Part IV of the Act contains 3 sections, which clearly defines the relationship of Canadian citizens to the Empire and the rest of the Commonwealth to Canada. Section 26 codifies that "A Canadian citizen is a British subject."[82] In addition, any British subject who acquired this status through "birth or naturalization under the laws of any country of the British Commonwealth other than Canada…shall be recognized in Canada as a British subject."[83] This would set the new standard for the common status within the British Commonwealth, to be established at the 1947 Commonwealth Conference.

Therefore, even though the *Canadian Citizenship Act* represented a deviation from normal procedure, and began to create a definition of Canadian citizenship that was moving away from imperial understandings, it ultimately resulted in a shift from the common code to a common status, rather than wholesale distancing from imperial ties. Nevertheless, the act of breaking with the common code, along with the stance of the Canadian delegation to not change their law as a result of the Conference should be understood as an assertion of Canadian autonomy and decolonization. Though still remaining within the fold of the Commonwealth, Canada began to define their relationship based in their own interests. The fact that their interests

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[81] Karatani, *Defining British Citizenship*, 90.
[82] *Canadian Citizenship Act*, S.C. 1946, c. 15, s. 26.
[83] *Canadian Citizenship Act*, S.C. 1946, c. 15, s. 26.

and desires overlapped with a united Commonwealth should not detract from their assertion of autonomy.[84]

Throughout the Commonwealth, the common code was thus replaced with a common status, which was grounded in section 26 of the *Canadian Citizenship Act.* Going forward, each Dominion could choose to define the acquisition and loss of citizenship of their country in their own way, but there would be a mutual understanding of British subjecthood that would exist and operate throughout the entire British Empire. This served to make three categories in citizenship legislation: citizens, British subjects, and aliens. While British subjects were not necessarily treated the same as citizens, they had a preferred status above aliens. Each country could decide to provide different treatment to British subjects, but they all operated under the same two principles. The first is that British subjects must have a preferential treatment above aliens. The second principle is that citizens of all other Commonwealth members are recognized as British subjects and all British subjects receive the same treatment in a given country, regardless of their place of origin. Therefore, in 1947, though Australia offered federal voting rights to British subjects after six months' residence in Australia under Federal law, and Canada offered voting rights to British subjects after one year's residence, these opportunities were equally available to British subjects meeting residency requirements, regardless of what Commonwealth country they originated.[85] Additionally, the continuous journey policy was ended in 1947, however it would

[84] For more on the tension between Dominion self-interest and how that overlaps with Commonwealth interests, see: Francine McKenzie, *Redefining the Bonds of the Commonwealth, 1939-1948: The Politics of Preference* (New York: Palgrave Macmillan, 2002); Mckenzie, "In the National Interest."
[85] "Minutes of the FIFTH MEETING of the British Commonwealth Conference on Nationality and Citizenship," 11 February, 1947, 21, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C.

not be until the 1950s and 1960s that Canada reimagined its immigration policy to dismantle immigration restrictions based on race.[86]

With the passage of the Statute of Westminster and creation of the British Commonwealth, the domestic policy of the Dominions was formally outside the purview of the United Kingdom. Though the UK was forced to accept Canada's development of distinct citizenship, they did everything they could to maintain universality of British subjecthood in addition to new schemes of local citizenship. As British nationality was discussed at the 1947 Commonwealth Conference on Nationality and Citizenship, and later in parliament, British officials and policy-makers argued for more universal definitions of imperial citizenship and subjecthood. Since they could not control the actions of the Dominions, the outcome was British policy that emphasized the rights all British subjects had in the UK, even if they were not reciprocated in the Dominions.

The Commonwealth Conference and Legislating British Nationality

The February 1947 Commonwealth Conference on Nationality and Citizenship was called in response to the new Canadian citizenship legislation and to create a new citizenship system. The majority of the conference was spent discussing a draft of what would become the 1948 British Nationality Act.[87] Though the draft on the table was from the UK delegation, it served as a way to consider the future of citizenship and nationality throughout the Commonwealth and became the basis of future citizenship legislation in other Commonwealth member states.

[86] Changes in 1947 were mostly made to benefit white members of the Commonwealth, but changes were made to allow for easier entry of South Asians, too, through the ending of the continuous journey policy. The "Points System" of immigration would be adopted in 1967.
[87] Delegations from other members were invited to bring their own drafts, but only the UK bill was presented.

The UK, Canada, Australia, New Zealand, South Africa, Ireland, Newfoundland, Southern Rhodesia, Burma, and Ceylon each sent a delegation of legal experts to London for the conference, which was chaired by Permanent Under-Secretary of State for the Home Office, Sir Alexander Maxwell. Many of these delegations included government officials, but were not acting in official capacity on behalf of their government. The conference proceedings were not binding, but the experts could represent their governments in developing a useful working system for nationality and citizenship within the Commonwealth. India did not have an official seat at the table, but the High Commissioner was present in an observational capacity and proceedings were forwarded to the Indian government.[88] India's role in shaping and politically participating in the Commonwealth system would come later, when the newly independent country was creating their own constitution, citizenship, and debating Commonwealth membership.

Delegates from the UK explained that they called the conference to realign Dominion nationality laws since "The peoples of each country within the Commonwealth regarded themselves as belonging, not only to their own country, but also to the wider association of countries comprising the Commonwealth."[89] Throughout the conference, the UK introduced and pursued policies that would serve to maintain the Commonwealth connection between member states, which Mann argues "reflected the British concern to preserve the close links in the Empire

[88] India was included among participants in the planning of the conference, and even had a named delegate. In deciding the preliminary seating arrangement, the Dominions Office suggested an arrangement that kept "South Africa and India well apart," which the Home Office supported. This indicates some of the issues with equality, discrimination, and immigration within the Commonwealth. J. D. Peek, "Conference on Nationality and Citizenship," 29 January, 1947, 2, in "British Commonwealth Conference on Nationality and Citizenship," TNA CAB 21/1755.

[89] "Minutes of the FIRST MEETING of the British Commonwealth Conference on Nationality and Citizenship," 3 February, 1947, 3, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C.

and Commonwealth following the Second World War, especially in relation to the future entry of the new South Asian members."[90] For example, they suggested that passports issued to citizens of Commonwealth countries should specifically identify the holder as a British Subject.[91] Additionally, the UK was willing to automatically confer the status of British nationality on anyone resident abroad if their father was a British subject; a grandfather's or preceding generation's status as a British subject could be sufficient as well, but required registration within the first year of birth, and not automatic conferral.[92] The Dominions pushed back against this. M.H. Wershof explained the Canadian position was that "those whose claim to citizenship rested on remoter ascendants than the father had, to all intents and purposes, severed their connection with the country."[93] The UK position, on the whole, was to attempt to maintain as significant and universal connections as they could with the rest of the Commonwealth and Empire.

To this end, the UK was inclined to support dual citizenship. Maxwell explained the arguments for requiring a citizen of one Commonwealth country to relinquish their citizenship upon acquiring citizenship of another Commonwealth country were unconvincing to UK

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[90] Mann, "The Evolution of Commonwealth Citizenship," 298.

[91] This was met with general agreement by delegates from Australia and South Africa, who already identify their passport holders as British subjects, for example, "National of the Union of South Africa; British subject." Canada was unwilling to list the citizenship of passport holders as anything more than "Canadian citizen" due to existing practice and domestic political concerns, but N.A. Robertson suggested that "the passport should contain in a prominent position the appropriate provision of the Citizenship Act indicating the common status, *e.g.* as in s. 26 of the Canadian Citizenship Act ("A Canadian citizen is a British subject")." Delegates from the UK, Canada, South Africa, and Australia agreed that passports should make some reference to the common status. Delegations from other Commonwealth countries did not voice opinions on the matter, but the conference agreed with Robertson's proposal. "Minutes of the FIFTH MEETING," 23, NAA: A467, SF40/1 REPORT.

[92] If an intermediate ancestor was born in the Commonwealth, but not in the United Kingdom and Colonies, the descendent would not qualify for citizenship of the United Kingdom and Colonies. "Minutes of the SECOND MEETING OF COMMITTEE B," 10 February, 1947, 62, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C.

[93] "Minutes of the SECOND MEETING OF COMMITTEE B," 62, NAA: A467, SF40/1 REPORT.

officials. He continued that the UK parliament would not likely support a system in which citizens of the United Kingdom and Colonies (CUKC) would be required to lose their status upon citizenship in another Commonwealth country, since UK "opinion valued the family ties between Commonwealth countries."[94] H. D. C. Adams of New Zealand agreed with the UK's position, while delegates from Canada, Australia, Ireland, South Africa, and Ceylon were not in support of a system that allowed dual citizenship.[95]

In response, the UK delegates drafted a memorandum addressing the benefits and concerns of dual citizenship, which highlights their desire to maintain Commonwealth connections. Their understanding of dual citizenship is grounded in the concept of dual nationality.[96] The two world wars had proved that dual nationalities in the British Commonwealth could coexist, since "the loyalty of British communities abroad in time of national emergency has justified the course pursued in the United Kingdom of allowing these families to remain British subjects even at the cost of perpetuating double nationality."[97] This would, they argued, present few problems in the case of the Commonwealth, since strong connections between members would limit the concerns of divided loyalty. Adams contended that dual Commonwealth citizenship would work to strengthen and preserve the common

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[94] "Minutes of the FOURTH MEETING of the British Commonwealth Conference on Nationality and Citizenship," 6 February, 1947, 17, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C.

[95] "Minutes of the THIRD MEETING of the British Commonwealth Conference on Nationality and Citizenship," 5 February, 1947, 13-14, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C.

[96] Dual nationality, the memo states, has become quite common and unavoidable and is based on the principles of *jus soli* (literally: right of soil; nationality derived by the place of one's birth) and *jus sanguinis* (literally: right of blood; nationality derived by the inherited nationality of one's parents). "Dual Commonwealth Citizenship, Memorandum by the United Kingdom Delegation," February 1947, 1, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix D.

[97] "Dual Commonwealth Citizenship," 1, NAA: A467, SF40/1 REPORT.

status.[98] However, the language used in the memorandum indicates that some of these concerns may be irrelevant with the introduction of the common status, particularly the fact that although distinct citizenships would be established, a common British subjecthood would remain throughout the Commonwealth.

Questions of dual citizenship therefore emphasize the tensions between assertions of Dominion independence and the British desire to uphold principles of universal subjecthood. The issue of immigration is central to this consideration. For certain Commonwealth countries, the UK delegation recognized "other factors might seem to be of greater importance."[99] At this point, the UK did not have large numbers of immigrants arriving on their shores.[100] But for "countries of immigration," dual citizenship may pose problems with blurring "the distinctive position of the citizenship of that country altogether."[101] This concession to the Dominions not only indicates the significance of immigration, but identifies it as a defining feature that would tip the scales between local autonomy and imperial unity.

Ultimately, the UK passed a new nationality act that adhered to the principles of the new common status, while granting a wider definition of citizenship than many citizenship acts

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[98] "Minutes of the THIRD MEETING," 14, NAA: A467, SF40/1 REPORT.
[99] "Dual Commonwealth Citizenship," 2, NAA: A467, SF40/1 REPORT.
[100] The conference took place in February 1947 and the famous and emblematic HMT *Empire Windrush* would not arrive at the Tilbury Docks in Essex until June 22, 1948. Gorman argues that before the UK experienced large scale immigration they could approach the issue of immigration through an imperial lens, considering "the issue in terms of imperial unity, rather than national interest." Gorman, "Wider and Wider Still?"
[101] "Dual Commonwealth Citizenship," 2, NAA: A467, SF40/1 REPORT. In his *Round Table* article, Stuart Mole claims that "The United Kingdom has always been a nation of immigrants." While certainly this is correct when Mole considers that "modern, multicultural Britain is itself a living reflection of Commonwealth linkages," the projection of modern demographics onto the past obscures the historical processes, developments, and contingencies that resulted in large amounts of Commonwealth migration to the UK. Stuart Mole, "From Empire To Equality?: Migration And The Commonwealth," *Round Table* 90, no. 358 (January 2001): 92. Here we can clearly see that the UK does not count itself among the "countries of immigration" and it will prove to be the British Nationality Act that contributes to Commonwealth citizens migrating to the UK, especially since it defined citizenship as belonging to the United Kingdom and Colonies, rather than a discrete national territory like Canada, Australia, or New Zealand.

passed in the Dominions. MP for Keighley, Ivor Thomas, put forth his opinion on the matter, that "We are the Mother Country of this great Commonwealth, and it is quite common for mothers to give to their children benefits which they do not themselves receive."[102] Therefore, rather than tying citizenship to the discrete territory of the UK, as was done in Canada, the British Nationality Act created citizenship of the United Kingdom and Colonies.[103] The House of Lords requested the category be called "British subject of the United Kingdom and Colonies" rather than "citizen of the United Kingdom and Colonies," due to it's connection to republicanism. However, Home Secretary Ede argued that,

> We must have a scheme so that our fellows in the Dominions can understand and can realise that we are in fact recognising the equality of status with this country of each of the Dominions that has been created by the Statute of Westminster. I know there are also some who feel that it is wrong to have a citizenship of the United Kingdom and Colonies. Some people feel that it would be a bad thing to give the coloured races of the Empire the idea that, in some way or other, they are the equals of people in this country. The Government does not subscribe to that view.[104]

Ede's comments exemplify the way that foundation of the Commonwealth was built on the independence and autonomy of members, and how this was frequently in tension with universal subjecthood. Thus, all CUKCs and Citizens of Independent Commonwealth Countries (CICC) were considered British subjects, maintaining the universality so desired by British officials and policy-makers.

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[102] Ivor Thomas, "British Nationality Bill Lords," 7 Jul, 1948, UK Parliamentary Debate, H.C., 5th ser., vol. 453 (1948), col. 415.
[103] Access to citizenship of the UK and Colonies was available through birth and descent.
[104] James Chuter Ede, "British Nationality Bill Lords," 7 Jul, 1948, vol. 453, col. 393-394.

Ede's comments also speak to the way race was understood and operated within the Commonwealth. By codifying a citizenship that includes people in and from the Colonies, people of colour obtained identical citizenship status to white Britons. In the late 1940s, the British were keen to minimize any official deviation from universal subjecthood.[105] Therefore, there was a significant change in terminology between the draft bill presented at the 1947 Conference and the 1948 Act. In the British Nationality Act, someone with the status of British subjecthood "may be known either as a British subject or as a Commonwealth citizen," for the "expression "British subject" and the expression "Commonwealth citizen" shall have the same meaning."[106] During parliamentary debates on the bill, Ede defended the change, recognizing that many countries of the Commonwealth do not have the positive relationship that Britons' have with the term.[107] He explained that in the Dominions, "there may even be persons of Dutch descent in South Africa and of French descent in Canada – who would sooner call themselves Commonwealth citizens than British subjects."[108] Ede briefly mentions India and Pakistan in this conversation, but defends the terminology change as a suggestion of the UK government, when actually this change of terminology represents the influence and contribution of India to the construction of the system of Commonwealth citizenship and the organization of the Commonwealth itself.

India and the Commonwealth

At the time of the conference, it was already clear that India was nearing independence. On February 10, 1947, Prime Minister Clement Atlee reaffirmed that "the time had come for

[105] There were, of course, racialized attitudes and practices that persisted even with official equality among CUKCs.
[106] British Nationality Act 1948 (c. 56) s.1(2).
[107] There were also suggestions to change the term "citizen of the United Kingdom and Colonies" to "British subject of the United Kingdom and Colonies."
[108] James Chuter Ede, "British Nationality Bill Lords," 7 Jul, 1948, vol. 453, col. 392.

responsibility for the Government of India to pass into Indian hands," and this transfer of power was set to take place by the summer of 1948.[109] With India's new political independence, came the question of whether they would, or could, remain in the Commonwealth.[110] Though the individual autonomy of members was a foundational principle of the organization, the Commonwealth was still inextricably connected to British imperialism and colonialism. The Indian Governemnt faced criticisms from "political opponents back home," who argued the Commonwealth "smacked of empire and neo-colonialism"[111] Before India could join the Commonwealth, there needed to be some changes to the structure to allow more independence and distance from its imperialist roots.

Many of the concerns Indians had about entering the Commonwealth were related to the historical colonial subjugation of South Asians. Allegiance to the Crown and a shared sense of British subjecthood were at the core of the Commonwealth. Even through the change of citizenship system to the common status, these principles were never really at risk.[112] However, colonial legacies and the strong nationalist movement made the idea of a constitutional monarchy, as so many of the other Dominions are organized, unpalatable to India. India became a self-governing Dominion in 1947, and on January 26, 1950, a new Indian constitution was enacted, creating the Republic of India. India's republicanism created a major stumbling block

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[109] Clement Attlee, "India (Government Policy)," 10 Feb, 1947, UK Parliamentary Debate, H.C., 5th ser., vol. 433 (1947), col. 1395-1396.

[110] This chapter will mainly focus on the debates among Indians, but it should be noted that the UK was very invested in keeping India within the Commonwealth. Additionally, in many instances India received support from the Dominions, including South Africa, in their negotiations with the Commonwealth and UK. These factors certainly contributed to India's decision to remain in the Commonwealth following independence.

[111] Krishnan Srinivasan, "The Commonwealth, India and Lost Opportunities in South Asia," *Asian Affairs* 32, no. 2 (July 2001): 133–34.

[112] With the exception of Ireland, of course, which had a specific relationship to the Commonwealth and British Empire due to its repudiation of the Crown and British subjecthood. Ireland was no longer a member upon its creation of the Republic of Ireland in 1949. Even though it became possible to join the Commonwealth as a republic later that same year, Ireland did not seek readmittance and is currently not a member of the Commonwealth.

for the British Commonwealth; in order for India to be admitted into the Commonwealth, there would need to be changes that could reconcile the organization's relationship to the Crown and India's republic.

The Statute of Westminster clearly stated that "Crown is the symbol of the free association of the members of the British Commonwealth of Nations," all of whom "are united by a common allegiance to the Crown," which is in accordance with "the established constitutional position of all the members of the Commonwealth."[113] In 1948, after India had announced their intention to become a republic, the UK still was determined to maintain some kind of required connection with the Crown "for continuing membership of the Commonwealth."[114] If India could not be agreeable to a constitutional monarchy, and be "unable to accept the jurisdiction of the Crown for internal purposes, it would suffice that they should accept the King's jurisdiction in their external relations."[115] This could take the shape of the King remaining the official head of state, represented by a local official; this official did not have to be called a governor-general. It was posited that a president could be the King's representative, "nominated by the local Government for appointment by the King."[116] This clearly would not be feasible in a true republic, and India was determined to cut these kinds of official ties with the Crown.[117]

Ultimately, in 1949, the Prime Ministers of the Commonwealth, including the UK, Australia, New Zealand, South Africa, India, Pakistan, and Ceylon, issued the London Declaration, which shifted the role of the Crown within the structure of the Commonwealth. Due

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[113] Statute of Westminster 1931 (22 & 23 Geo. 5 c. 4).
[114] Clement Attlee, "The Commonwealth Relationship," 26 October, 1948, TNA CAB 129/30/14, 2.
[115] Attlee, "The Commonwealth Relationship," TNA CAB 129/30/14, 2.
[116] Norman Brook, "Committee on Commonwealth Relations, "Commonwealth Relationship," Third Report by Official Committee," 21 May, 1948, TNA CAB 129/30/14, 5.
[117] India suggested maintaining this link through a common citizenship, which will be discussed later in this chapter.

to India's impending republicanism, the Government of India offered to accept "The King as the symbol of the free association of its [the Commonwealth] independent member nations and as such the Head of the Commonwealth."[118] The compromise did not remove the Crown entirely from the structure of the Commonwealth, but no longer required members to recognize the Crown as their head of state.[119]

Concerns over the role of the Crown further demonstrate the importance of the principle that all members of the Commonwealth are freely associated independent members, with full control over their own foreign and domestic policies. Though India's republicanism was a great divergence from how other members organize their governments, India's ability to create and change their own domestic policy and organization is supported by this fundamental principle of the Commonwealth. This does not mean that a republic is entitled to membership, it does after all challenge the additional foundation of the role of the Crown. However, the act of changing their own domestic organization does not, as an act itself, prevent India's membership in the

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[118] Commonwealth of Nations, "London Declaration," April 26, 1949, 3, https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2022-01/London-Declaration%201.pdf?VersionId=SvtHItvsceppjMbSUsX.DvpI0hWMfDkv. Since the headship of the Commonwealth is not a hereditary position, it was unclear if King George VI's position would pass to his daughter upon his death. When Queen Elizabeth II ascended to the throne in 1952, only a few years after the 1949 London Declaration, Nehru confirmed her legitimacy as the new head by sending a message of congratulations and "welcoming her as head of the commonwealth." Ruth Craggs and Harshan Kumarasingham, "Losing an Empire and Building a Role: The Queen, Geopolitics and the Construction of the Commonwealth Headship at the Lusaka Commonwealth Heads of Government Meeting, 1979," *The Journal of Imperial and Commonwealth History* 43, no. 1 (January 2015): 84. The headship is an ill-defined position, and has been shaped largely by Queen Elizabeth II during her tenure in this role. This position is often also full of contradictions, as occasionally members of the Commonwealth have reached out to the Queen in her capacity as head of the Commonwealth to withhold royal assent on bills that would not benefit Commonwealth members. For example, Kenyan Asians requested "in 1969 to withhold the royal assent to the restrictive Commonwealth Immigrants Bill, yet this was to no effect despite it clearly affecting negatively the flow of people from across the Commonwealth to Britian." H. Kumarasingham, "Between Insignificance and Importance: The Commonwealth Headship in Contemporary History," in *Commonwealth History in the Twenty-First Century* (ebook: Palgrave Macmillan, 2020), 134. Also see Kumarasingham for more on the development of the Queen's role as the head of the Commonwealth and the way this position was used to solidify the Crown's new role during and after decolonization.

[119] Ireland officially left the Commonwealth when it became a republic, and chose not to rejoin after it became possible for republics to hold membership. However, Ireland still maintained a special relationship with some Dominions and had special clauses in the British Nationality Act, even though it did not operate within the Commonwealth or common scheme.

Commonwealth. Rather than being an instance of rejecting the Crown, this became a challenge to the principle of independent and freely associated membership.[120] This points, again, to the contradictory principles and values of the Commonwealth, as India's domestic autonomy and the traditional role of the Crown were irreconcilable. Ultimately, member autonomy was recognized as the primary consideration in this case.

It was not just the Crown that represented unacceptable notions of subjugation to Indians. Prior to their acceptance of Commonwealth membership, Indian officials requested for the term British subject to be replaced with Commonwealth citizen. When the British Nationality Bill was introduced in parliament, it still contained the phrasing that all citizens of the UK and Colonies, along with those CICCs in the Dominions, would be considered British subjects. However, Indian officials "asked that in place of the term "British subjects", which is in their view open to misunderstanding, there should be substituted some term such as "Commonwealth citizens" or "citizens of the Commonwealth.""[121] Though this term was not changed in the citizenship legislation of all Commonwealth members, the fact that it was recognized in the British bill, and used interchangeably did not mean that those still using only British subject were precluded from the common status.

This change in language was the most important in a series of terminology changes in 1948 that addressed issues of imperial subjugation, British primacy, and full independence of

[120] Brecher describes discussions between Nehru and Atlee that emphasize that membership in the Commonwealth should be in addition to full independence, and not take any independence away from members. He also identifies how Canadian MacKenzie King wrote of a conversation with Nehru that the decision should be based on the "Community of Free Nations rather than having emphasis upon the Crown." Michael Brecher, "India's Decision to Remain in the Commonwealth," *Journal of Commonwealth & Comparative Politics* 12, no. 1 (1974): 71–72.
[121] James Chuter Ede and Philip John Noel-Baker, "British Nationality Bill," 4 May, 1948, TNA CAB 129/26/30, 1. There was some small reluctance on the part of the Dominions to implement this change, but seemed to stem from more practical, rather than ideological concerns. For example, Australia was the most resistant to the change in terminology, but mainly because it may be confused with being a citizen of the Commonwealth of Australia; other Dominions were just unwilling to adjust their own legislation to adhere to the new language, but did not take issue with the new term in principle.

members. First, in the spirit of recognizing equal status of all members, "Commonwealth Prime Ministers" came to "describe the Prime Ministers of all Commonwealth countries, including the United Kingdom."[122] Second, the term Dominion was falling out of fashion, and was thus ceased to be used in official capacities, replaced instead with "Commonwealth country" or "Member of the Commonwealth."[123] Finally, in response to concerns raised by Asian members, the name of the organization should drop the British, and just become the Commonwealth of Nations.[124] Following the London Declaration that officially made alteration to the Commonwealth and proclaimed India's new membership, B. N. Rau, Constitutional Adviser to the Constituent Assembly, wrote a statement. He happily commented on the absence of the term British in the name of the organization and abandonment of the term Dominion. He continued,

> Equally significant is the provision in the British Nationality Act, which came into force on January 1, 1949, and according to which "British subjects" – a name which suggests some kind of subjugation to Britain – may in future be described as "Commonwealth citizens". All these indications, trivial though they may seem, are symptomatic of a profound change in the conception of the Commonwealth and that is why I have said that it was not India so much as the Commonwealth that had changed.[125]

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[122] Brook, "Commonwealth Relationship," TNA CAB 129/30/14, 4-5.
[123] Brook, "Commonwealth Relationship," TNA CAB 129/30/14, 4. The Canadian delegate, N.A. Robertson, supported by delegates from South Africa and Australia, requested that other members of the Commonwealth be referred to as "countries" rather than "Dominion or territory," in the British Nationality Bill. "Minutes of the SECOND MEETING of the British Commonwealth Conference on Nationality and Citizenship," 4 February, 1947, 6-7, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C. David McIntyre points out, however, that "although Whitehall abandoned the usage "Dominion" and "Dominion status" in 1948, these labels lingered on in decolonization debates for another thirty years." W. David McIntyre, "The Strange Death of Dominion Status," *The Journal of Imperial and Commonwealth History* 27, no. 2 (May 1999): 193.
[124] Brook, "Commonwealth Relationship," TNA CAB 129/30/14, 4.
[125] Sri B. N. Rau, *India's Constitution in the Making*, ed. B. Shiva Rao (Madras: Allied Publishers Private Ltd., 1963), 383.

Through maintaining and strengthening local autonomy of Commonwealth members and altering their relationship to one another, one of the largest obstacles of India's membership was cleared.

Along with concerns of reconciling India's republicanism with the role of the Crown, many others in India had further reservations about India's sovereignty in foreign affairs should they join the Commonwealth. Of course, these would technically be protected by the principles of the Commonwealth. Rau affirmed it was "clear that a State, by being a member of the Commonwealth, does not sacrifice any part of its freedom in respect of its foreign affairs."[126] Additionally, Jawaharlal Nehru asserted that there would be no threats to Indian independence, and in foreign affairs, the Commonwealth would actually provide India a forum in which to wield influence. This was significant as there were concerns that if India did not join it would be isolated when entering the international world order and lose important connections with various Commonwealth members.[127] Thus, India could pursue a policy of non-alignment in foreign affairs while still maintaining important cultural and political connections with the Commonwealth.[128]

After decades of fighting against colonialism, both inside and outside India, there were concerns that remaining in the Commonwealth would impede Indian goals of furthering global decolonization.[129] Nehru's focus on anti-imperialism and ending racial discrimination placed India's independence in a global framework.[130] Therefore, when the Commonwealth was first

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[126] Rau, *India's Constitution in the Making*, 376.
[127] Brecher, "India's Decision," 67–68.
[128] Sunil Purushotham, "Jawaharlal Nehru, Indian Republicanism, and the Commonwealth," in *Commonwealth History in the Twenty-First Century*, ed. Saul Dubow and Richard Drayton (ebook: Palgrave Macmillan, 2020), 158; M. C. Lall, *India's Missed Opportunity: India's Relationship with the Non-Resident Indians* (Aldershot: Ashgate Publishing, 2001), 42.
[129] This is related to questions of the Indian diaspora, citizenship, and South Africa, which will be considered in more detail in the next section.
[130] Lall, *India's Missed Opportunity*, 42.

established earlier in the twentieth century, Nehru considered India's membership and potential status as a Dominion unacceptable.[131] But it became clear that India would not be stopped from expressing their discontent with imperialism, since "Membership of the Commonwealth is now compatible with complete independence and a member is free to take whatever line it chooses on any particular question, even in the international sphere." [132] The freedom to officially challenge imperialism and racial discrimination does not necessarily mean, though, that membership in the Commonwealth would further these goals. However, Nehru's opinion of the Commonwealth and the UK began to change following the war and he "realized that fighting for India's ideals of peace and freedom for colonial people, against racism and for co-operation with Afro-Asian countries would be served better" if India was a member of the Commonwealth.[133]

India's continued membership in the Commonwealth is widely recognized as the beginning of the transition into the multi-racial organization it would become. Of course, it allowed for future republics to obtain membership, as the "common allegiance to the Crown," morphed into "The King as the symbol of the free association," of Commonwealth members.[134] Additionally, India's decision to stay and their increased focus on anti-imperialism encouraged other non-white members to join upon their own independence, which helped solidify the Commonwealth's multi-racial membership.[135] India's negotiated entry to the Commonwealth had greater impact than organizational changes. Since the Commonwealth formed the basis for the new British nationality scheme, changes to the Commonwealth and Commonwealth membership had direct consequences to nationality and citizenship. Indian pressures helped formally

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[131] Lall, *India's Missed Opportunity,* 53.
[132] Rau, *India's Constitution in the Making*, 376.
[133] Lall, *India's Missed Opportunity*, 53.
[134] Balfour, "Imperial Conference: Report of Inter-Imperial Relations Committee," 430; Commonwealth of Nations, "London Declaration," 3.
[135] Brecher, "India's Decision," 82; Lall, *India's Missed Opportunity,* 54.

transform British obligation from a relationship based on shared subjecthood, to one grounded in Commonwealth membership. Their membership thus allowed India into the new common scheme, which was an important consideration during India's citizenship debates and legislation.[136] Commonwealth citizenship opened the door to rights of entry into the UK and could make movement to other parts of the Commonwealth easier.

The Indian Diaspora, Citizenship, and the Commonwealth

There was one more vital consideration in India's Commonwealth membership: the diaspora.[137] Concerns over South Asian diasporans were intertwined with issues of foreign affairs, sovereignty, and citizenship.[138] Immigration was a major factor in the development of local citizenships in the Dominions and there were significant obstacles for South Asians to move around the Empire or Commonwealth and obtain citizenship or equal rights in white-majority states. It is a sense of obligation to those originally from the Indian subcontinent that drove much of the pressure for India to remain in the Commonwealth. In a speech given in 1950, Nehru claimed that since there were so many Indians living abroad throughout the Commonwealth and Empire, "Indians are in a better position than they would be otherwise," by India remaining in the organization.[139]

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[136] Of course, since the common scheme was reciprocal, each member must recognize their citizens as British subjects or Commonwealth citizens and be recognized in return through the British Nationality Act.

[137] Though outside the scope of this thesis, it must be mentioned that there are two other factors that contributed to India's decision to remain in the Commonwealth. First, once it became clear that Pakistan would be a member of the Commonwealth following their independence in 1947, it was important that India also joined to protect their interests and balance power in South Asian relations. Brecher, "India's Decision," 71; Lall, *India's Missed Opportunity*, 53. Second, was the emerging Cold War and polarization of international relations. Though India wanted to pursue a policy of non-alignment, Rau argued that Commonwealth membership would not limit this position and may actually provide a platform from which to mediate. Rau, *India's Constitution in the Making*, 385–86; Brecher, "India's Decision," 65.

[138] India's relationship to the diaspora would change over time. During the transition to independence, those in diaspora were considered within the sense of Indian national consciousness, but as India created a territorially based nation-state, the diaspora was cut out of consciousness following independence. At this time, the diaspora is still considered within the Indian national consciousness. Lall, *India's Missed Opportunity*, 5.

[139] Quoted in Brecher, "India's Decision," 69.

Concerns over the treatment of South Asians in almost all white-majority Dominions dated back to the nineteenth century. However, by the middle of the twentieth century, the most significant issue was with South Africa. The policy of apartheid was officially introduced in 1948, but was built upon established racial segregation and discrimination. Many in India felt it would be "immoral" to join an organization that allowed racial discrimination.[140] There were two ways for those in favour of joining the Commonwealth to address issues of racial discrimination. First, because of the established autonomy in foreign and domestic affairs, membership and critique were not irreconcilable. No other member could control South African policy, and likewise were not obligated to support it. Therefore, Commonwealth membership was not necessarily an approval or acceptance of every policy of every member.

The second factor was to use the Commonwealth as a forum to voice their discontent. Those against joining the Commonwealth thought that, "in view of the treatment of Indians in certain Dominions of the Commonwealth," most significantly South Africa, they should "sever the British connection."[141] In response, Rau argued that India would have to fight for better treatment of Indians facing discrimination in the Dominions whether or not it joins the Commonwealth. Therefore, there is no reason to believe that conditions for Indians in the Dominions would improve by "India's severance of the British connection."[142] Rather, being a part of the Commonwealth may give India a better position from which to pursue civil rights, racial equality, and common citizenship.[143] Of course, this was not a new concept. Indians had

[140] Brecher, "India's Decision," 64.
[141] Rau, *India's Constitution in the Making*, 371.
[142] Rau, *India's Constitution in the Making*, 374.
[143] Rau, *India's Constitution in the Making*, 374–75.

been leveraging their status as British subjects to claim more equal treatment throughout the Empire since the nineteenth century.[144]

Rau's argument utilized a recent event in which a West African lecturer was refused service in the UK.[145] Tom Boatin, a lecturer from the University of London, was refused service at Rules Restaurant in London.[146] In parliament, the Minister of Food John Strachey was challenged over the issue. Strachey replied, "that the interests of the British Commonwealth are most seriously injured by any example of racial discrimination such as this."[147] Rau asserted that this shows that racial discrimination is not supported by the majority of the members and "the idea of human rights is on the march throughout the world and its progress can in no way be impeded by India's continuing to be within the Commonwealth."[148]

Related to diaspora and immigration was the question of citizenship. India's membership and the consequent changes to the Commonwealth structure were announced in the London Declaration in April 1949. In the years between when India achieved independence in 1947 and April 1949, the new nation-state had not yet ratified their constitution nor made a permanent decision on local citizenship. The Indian Constitution would come into effect January 26, 1950, but debates on a citizenship bill continued into 1955. While India was negotiating the transition to independence and possible membership in the Commonwealth, the question of citizenship and legal obligation of overseas Indians was a significant consideration. In 1948, Nehru pointed out the complicated legal relationship that existed between India and the diaspora. India could not offer Indian citizenship and franchise to those overseas, while simultaneously pushing for them

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[144] See introduction, and Banerjee, *Becoming Imperial Citizens*.; Mongia, *Indian Migration and Empire*.
[145] Rau, *India's Constitution in the Making*, 375.
[146] George Morton-Smith, "The Man Who Was Turned Away," *News Chronicle*, April 13, 1948.
[147] John Strachey, "Catering Establishments (Racial Discrimination)," 12 Apr, 1948, UK Parliamentary Debate, H.C., 5th ser., vol. 449 (1948), col. 608.
[148] Rau, *India's Constitution in the Making*, 375.

to achieve equal treatment and the franchise in their home countries; the relationship between India and the diaspora would therefore be "cultural, humanitarian, and not political."[149] Within this frame, India was "prepared to encourage Indians overseas to make a commitment to the lands of their adoption, [but] this was conditional on their being treated as equal fellow-citizens."[150]

Even without a definitive legal obligation to those overseas, India would push for better treatment and citizenship rights for those in the diaspora. Rau drafted an Indo-British treaty in November 1945 to address conditions of Indian independence.[151] In this treaty, he explained that most Indians overseas are settled in other territories of the British Empire. For those who were involved in indentured labour schemes, "it was understood that at the end of the period of indenture the immigrants would be allowed to settle down in the country of immigration and would be accorded equality of treatment as British citizens."[152] In all territories that were still under direct British rule, influence, or authority, Rau called upon Britain to exercise this power and "ensure equality of treatment for Indians settled in other parts of the British Empire."[153] In the case of the Dominions, who had at this point achieved self-governance, it was difficult and often impossible for Britain to interfere and demand better treatment. South Africa was the only Dominion that had accepted South Asian indentured labourers. Rau requested that if Britain could not compel South Africa to guarantee equality for former indentured labourers, it could consider "whether His Majesty's Government can be got to bind itself by treaty to assume at least a neutral attitude in cases of dispute between India and South Africa on the question of

[149] Tinker, *Separate and Unequal*, 319.
[150] Tinker, *Separate and Unequal*, 535.
[151] The treaty would ultimately be dropped, but still provides some insight into how Rau was thinking about the diaspora during the period. Rau, *India's Constitution in the Making*, 414.
[152] Rau, *India's Constitution in the Making*, 432.
[153] Rau, *India's Constitution in the Making*, 432.

Indians who have emigrated there."[154] Therefore, while India may not have assumed legal responsibility for the citizenship and equal treatment of Indians overseas, it was still something on India's agenda. Even into 1955, India was "fighting in South Africa because they are depriving Indians of citizenship and are turning hundreds and thousands of them into stateless people."[155]

Citizenship, and specifically a global scheme of citizenship, was another factor important to some Indians wanting to remain in the Commonwealth. Nehru suggested early on that a kind of common nationality, and later common citizenship, could replace the Crown as the cultural connection of Commonwealth members.[156] The term Commonwealth citizen appeared in the British Nationality Act, 1948 as an equivalent to British subject. However, the terms citizen and subject do not hold the same meaning. While both refer to a relationship between an individual and society, subject implies obligations between individual and a monarch, whereas citizen contains broader political implications, like rights of residence, entry, and voting for example.[157] Additionally, citizenship generally refers to a local national context; within the Commonwealth one is a citizen of their country. After 1948, citizens of Commonwealth countries also have the vague identity of Commonwealth citizen. A Commonwealth citizen, though, does not come with the kinds of political rights that national citizenship entails, mainly because the more accurate term would be British subject.

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[154] Rau, *India's Constitution in the Making*, 432.
[155] Shiri N.C. Chatterjee, "Citizenship Bill," 2 Dec, 1955, Indian Lok Sabha Debate, 11th session, vol. VII (1955), col. 1059.
[156] Karatani, *Defining British Citizenship*, 123.
[157] This generally the case following WWII, but was not always the only understanding of citizenship. During the late 19th and early 20th centuries, citizenship could refer to both political dimensions, but citizenship also contained cultural aspects and was related to identity. Gorman, *Imperial Citizenship*, 9–10.

As the new common scheme was developed at the 1947 Commonwealth Conference and the British Nationality Act introduced the concept of a Commonwealth citizenship, some Indian officials saw the Commonwealth as a gateway to a common citizenship scheme. Tinker argues that in 1948 it seemed likely a common Commonwealth citizenship could develop, since "although designed to confirm the existing rights of British subjects, [the British Nationality Act] seemed to have opened the door to a new kind of Commonwealth."[158] Rau saw the name change from British subject to Commonwealth citizenship representative of a larger possibility: "we have here the beginnings of a common citizenship which, when properly developed, may well became a bond of union between the units of the Commonwealth."[159] This new possibility was appealing to India for their own interpretation of what a global citizenship could be and would provide some protection to the diaspora.

The implementation of common citizenship would require that the Commonwealth adopt a more federal structure. In one of his writings in support of India's membership in the Commonwealth, Rau explained how the Commonwealth could help achieve a common citizenship. He expresses his hope that the Commonwealth would "strive for the federal ideal of having a common citizenship with no arbitrary discrimination between the citizens of one unit and those of another."[160] Rau, writing in 1948, was not the only person who foresaw the Commonwealth as a federal organization. For example, in the early twentieth century Lionel Curtis developed an idea of imperial citizenship that was based on a "federal imperial union," bringing together Britain and the Dominions in a new political structure of cooperation.[161] A new

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[158] Tinker, *Separate and Unequal*, 354.
[159] Rau, *India's Constitution in the Making*, 374.
[160] Rau, *India's Constitution in the Making*, 361.
[161] Gorman, *Imperial Citizenship*, 44–45. Or Rosenboim adds that Curtis's federal visions "silently excluded" Colonies and dependencies "that had been historically part of the imperial and Atlantic worlds." This was very much

kind of political organization of Commonwealth members to allow for this kind of common citizenship was impossible from the beginning. Even though Nehru and V. K. Krishna Menon, India's High Commissioner to the UK from 1947-1952, explained it would be based on the principle of reciprocity it clearly challenges the Commonwealth principle of member autonomy. It was unpopular among Dominions like South Africa and Canada as it could enable non-white migration around the Commonwealth and therefore threaten domestic policies.[162] Additionally, considerations of implementation of a common citizenship were unworkable due to questions of loyalty to the Crown inside and outside the UK.[163] As it became clear the rest of the Commonwealth would not support a common citizenship scheme, Indian officials abandoned the idea.[164]

By 1955, when India was creating new citizenship legislation, the concept of Commonwealth citizen again came under scrutiny. Many members of the Lok Sabha (India's lower house) were concerned about offering reciprocal Commonwealth citizenship to all members of the Commonwealth in their new citizenship law. This hesitation was mainly concerned with South Africa but also included Australia as both countries were actively discriminating against Indians. After calls to remove these countries from the schedule identifying Commonwealth countries to whom India would extend reciprocity, Nehru reminded the members that including all Commonwealth members does not inherently mean India is

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a project for the metropole and Dominions. Or Rosenboim, *The Emergence of Globalism: Visions of World Order in Britain and the United States, 1939-1950* (Princeton: Princeton University Press, 2017), 102.

[162] Kumarasingham, "Between Insignificance and Importance," 132.

[163] Karatani, *Defining British Citizenship*, 124.

[164] Some in India, however, did not abandon "the idea of an ultimate world citizenship," but this would not be accomplished directly through the Commonwealth as there were ideological differences with other members like South Africa and Australia. H. N. Mukerjee, "Citizenship Bill-*Contd.*," 3 Dec, 1955, Indian Lok Sabha Debate, 11th session, vol. VII (1955), col. 1162-1163. Even Nehru retained "hope that we are gradually working up to a stage when there will be world citizenship," but recognized that this would be far off and "Meanwhile, we have to have citizenship laws." Jawaharlal Nehru, "Citizenship Bill-*Contd.*," 5 Dec, 1955, Indian Lok Sabha Debate, 11th session, vol. VII (1955), col. 1287.

offering to recognize South Africans as Commonwealth citizens, but rather that "we are prepared to offer reciprocal rights to any country provided they behave."[165] Most importantly, since there are a great number of Indians living in British Colonies that have not yet received independence and therefore cannot take up local citizenship, India's continuing relationship to the Commonwealth is to their benefit. If India were to cut ties with the common scheme, "all these millions of Indians would have to choose; they would either become absolute aliens in the country where they are living, or they have to give up completely their connection with India."[166] Ultimately, the law that was passed maintained India's position in the Commonwealth citizenship scheme.[167] This reinforced India's position to aid those in diaspora through their membership in the Commonwealth.

Conclusion

The development of the Commonwealth from before the existence of the organization to the early 1950s demonstrates the primacy of national autonomy of the Dominions over Britain's ideals of imperial unity. The South Asian diaspora emphasized this tension. The presence and continued immigration of South Asians in the white-majority states of the Commonwealth resulted in restrictive immigration policies. Following the Second World War, the Dominions, beginning with Canada, started legislating their own local citizenships. While maintaining general imperial connections and cultural connections with other white members of the Commonwealth, these local citizenships contributed to legally defining belonging along racial lines.

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[165] Nehru, "Citizenship Bill-*Contd*.," 5 Dec, 1955, vol. VII, col. 1286.
[166] Nehru, "Citizenship Bill-*Contd*.," 5 Dec, 1955, vol. VII, col. 1290.
[167] One member, furious with the adoption of the bill, ended the final vote with the comment: "Three cheers for London! Bandung buried." Kamath, "Citizenship Bill," 6 Dec, 1955, Indian Lok Sabha Debate, 11th session, vol. VII (1955), col. 1523.

The South Asian diaspora also played an important role in the changes to the Commonwealth beginning in the late 1940s. Local citizenships continued discrimination against racialized migrants. As India achieved independence and was negotiating their own membership in the Commonwealth, the diaspora played a significant role. While India's relationship with diasporans is not constant, up to the early 1950s their protection and the global pursuit of ending colonialism and racial discrimination was of high priority.

These years saw some of the most significant changes to the structure of the Commonwealth. The development of a Commonwealth citizenship scheme that operated within a system of local citizenships continued to cement the primacy of member autonomy in the Commonwealth. This allowed for India to demand for changes that would allow a republic equal membership in the organization. India's subsequent membership fundamentally altered the Commonwealth, officially ending the organization's time as a club of the white Dominions and UK. This made way for other non-white Colonies to join upon independence and brought colonized people within a broader citizenship scheme based in the Commonwealth. It also gave India a forum to bring issues of racism and immigration, mostly faced by the Indian diaspora, to the table with the perpetrators, all of whom now operated within a system that should provide common rights for all members.

As with the Statue of Westminster, processes of decolonization, like local citizenship, developed within the bounds of the Commonwealth. Though members could not be controlled by the Commonwealth, as the organization shifted and adapted, it maintained its existence. However, this also further entrenched the tension between member autonomy and Commonwealth universality, tipping more and more towards the principles of member autonomy. The establishment of Commonwealth citizenship, but more importantly, the new

scheme of British nationality developed at the 1947 Conference, which formally defined a system of imperial citizenship, was now the basis of Commonwealth unity. This held Britain to legal obligations they placed upon themselves, while the Commonwealth upheld the independence of all members to make their own domestic and foreign policy that may or may not benefit the Commonwealth or other Commonwealth members. Of course, the UK was also not bound to legislate with the Commonwealth in mind. However, their commitment to the Commonwealth as a successor to the British Empire, and more importantly, the system established in the 1948 British Nationality Act created a legal apparatus of Commonwealth citizenship that took the UK decades to dismantle.

Up to this point, the UK was approaching questions of Commonwealth immigration from the perspective of a country that did not experience much immigration. The UK had historically been defined as a country of emigration; many had left to populate British Colonies and territories around the world, but they did not experience large-scale immigration. The next chapter will explore how the position of the UK changes as they become a popular destination for racialized migrants from the Empire and Commonwealth. Working within the framework of the British Nationality Act, which created channels to facilitate migration, the UK how had to balance their goals for the Empire and Commonwealth while restricting racialized migrants arriving on their shores.

Chapter 2

"The "invasion" has not been organised": New Commonwealth Immigration, 1948-1960

Great changes were made in the Commonwealth in the 1940s and 1950s. Faced with local citizenship acts in the Dominions, India's independence and republicanism, increasing colonial independence in other parts of the Empire, and emerging Cold War politics, Britain officially supported principles of Commonwealth strength, unity, and equality through to the early 1960s. This was not without difficulty. For example, Cabinet Secretary Sir Norman Brook wrote to Prime Minister Clement Attlee in November 1945 that "Ever since the enactment of the Statute of Westminster we have had difficulty in applying to the Commonwealth our conception of a single code of British nationality."[168] The creation of local Dominion nationality and citizenship, though guaranteed by the Statute of Westminster, thus contested and challenged Commonwealth unity and Britain's goals for the organization.

The immediate post-war period would also test Britain's commitment to the principles of the Commonwealth. Early in this period, British officials maintained the importance of the Commonwealth to the future of the British Empire and Britain's place in a new world order.[169] There was, however, more to the British commitment to the Commonwealth than just what they stood to gain in international relations. Evident in the debates to pass the British Nationality Act,

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[168] Norman Brook, "Canadian Citizenship Bill: C.P.(45) 287," 21 November 1945, 1, in "British Commonwealth Conference on Nationality and Citizenship," TNA CAB 21/1755.

[169] Prior argues that scholars and intellectuals writing about the Commonwealth in the late 1940s and 1950s did not come to a consensus that the Commonwealth would fill in the gap and smooth over the loss of empire. They perceived the Commonwealth as a work in progress, uncertain about the future of the organization. Christopher Prior, "'This Community Which Nobody Can Define': Meanings of Commonwealth in the Late 1940s and 1950s," *The Journal of Imperial and Commonwealth History* 47, no. 3 (May 4, 2019): 568–90.

and the years following, there still was a commitment to British subjects around the world. This resulted in an act that offered "an extremely generous definition of Britishness."[170] Though I argue that British commitment to the Commonwealth and universal British subjecthood were important in the 1940s and 1950s, this is of course a complicated relationship, that cannot be simplified to mere sentimentality or benevolence.[171]

The UK did not pass restrictive immigration legislation against Commonwealth citizens until 1962. This was despite increasing post-colonial immigration beginning as early as 1948. Though South Asian and other non-white colonial subjects had been living in the UK for centuries, the arrival of the *Empire Windrush* on June 22, 1948 has come to represent the start of a long and continuous process of colonial migrants coming to Britian and the transformation of the UK into a multicultural society. This does not imply migrants did not face challenges in arriving or settling in the UK after WWII, indeed non-white colonial immigrants endured subtle and outright acts of discrimination and racism from the British government, press, and public. However, during this period the UK did not use legislation to undermine or dismantle the statutory rights of migrating British subjects.

The British were not quick to relinquish their position of imperial metropole, and thus clung to the principles of imperial unity and universal subjecthood. But the second half of the twentieth century saw independence and decolonization move at a pace unforeseen by imperial officials. Jordanna Bailkin argues that decolonization and migration were inextricable, describing migrants as "bearers not only of the colonial past, but also of the decolonizing present."[172]

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[170] Kathleen Paul, "Communities of Britishness: Migration in the Last Gasp of Empire," in *British Culture at the End of Empire*, ed. Stuart Ward (Manchester: Manchester University Press, 2001), 181.
[171] As Lloyd argues, a common principle of the Commonwealth was commitment to racial equality, although the practical application was "somewhat lacking." Lorna Lloyd, "Britain and the Transformation from Empire to Commonwealth: The Significance of the Immediate Post-war Years," *The Round Table* 86, no. 343 (1997): 341.
[172] Jordanna Bailkin, *The Afterlife of Empire* (Berkeley: University of California Press, 2012), 24.

Therefore, both the presence and British perception of migrants were informed by legacies of colonialism and imperialism and the realities of decolonization and the Cold War. Thus, as Panikos Panayi describes, immigration restrictions and "The narrowing of citizenship rights from the whole Empire to Britain essentially followed the demise of imperialism."[173] As seen with the Dominions, the presence of often unwanted non-white colonial migrants, along the with the development of a more distinct national identity apart from imperial relationships resulted in challenges to Commonwealth and imperial principles. In the UK, within this context of decolonization and overall increasing colonial migration, the arrival of South Asians especially motivated British policy-makers to introduce immigration control and ultimately resulted in the erosion of the Commonwealth.

Migration Implications of the British Nationality Act

British officials and politicians in the late 1940s saw the British Nationality Act as a way to establish and solidify British nationality across the British Empire and Commonwealth. The UK was hesitant to even engage in a change to the common code, but in 1946 Home Secretary James Chuter Ede, wrote to cabinet that there was "no practicable alternative" to joining the new citizenship system.[174] The British approach to the British Nationality Act, though in response to the *Canadian Citizenship Act,* did not consider citizenship in the same way. Karatani argues that British officials saw these changes as a means to preserve the common status and saw the new citizenship categorizations to be "British subjecthood under a different name."[175] This was, in part, because the UK believed that a strong Commonwealth was necessary to maintain their

[173] Panikos Panayi, *An Immigration History of Britain: Multicultural Racism Since 1800* (Harlow, UK: Pearson Education Limited, 2010), 213.
[174] James Chuter Ede, "British Nationality Law," 30 August, 1946, TNA CAB 129/12/31, 2.
[175] Karatani, *Defining British Citizenship,* 119.

international position.[176] Conservative MP A.R.W. Low felt that the movement of Britons to all corners of the Commonwealth had only strengthened the Commonwealth and granted Britian its prestigious place on the world stage. He argued that "in a world which favours great *blocs* of power, we must see that our Commonwealth bonds…are greatly strengthened."[177] Other Commonwealth governments saw national citizenships as a necessity in the post-WWII international world order, and therefore based their citizenship in the nation, rather than the Empire.[178] At the 1946 Commonwealth Prime Ministers' Conference, Sir Alexander Maxwell commented that the *Canadian Citizenship Act* was a "change in the psychological approach…based on the concept that loyalty begins at home."[179] It was through their status as Canadian citizens that granted British subjecthood. For British officials, nationality was still something derived from subjecthood, which was a universal imperial status.[180] Even with changes to the common code and new Dominion attitudes towards citizenship, the UK was determined to maintain a universal British nationality. While Maxwell identified that "The Canadian Bill made it clear that an individual's status as a national of the Commonwealth derived from his status as a citizen of his homeland," he did not see this as in absolute opposition to the common code.[181]

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[176] Paul, "Communities of Britishness," 190; Ian R. G. Spencer, *British Immigration Policy Since 1939: The Making of Multi-Racial Britain* (London: Routledge, 1997), 65–68; D. W. Dean, "Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s: The Problems of Constraint," *The Historical Journal* 35, no. 1 (1992): 173. Looking at diplomacy, economics, and defence, Francine McKenzie demonstrates how Britain understood the Commonwealth as a key part of their foreign policy strategies to maintain their position as a world power immediately following WWII. Mckenzie, "In the National Interest," 553–76.
[177] A.R.W. Low, "Emigration," 18 Jun, 1948, UK Parliamentary Debate, H.C., 5th ser., vol 452 (1948), col. 888.
[178] Karatani, *Defining British Citizenship*, 118–20.
[179] "Meeting of the Prime Ministers Committee of Officials on Nationality Questions," 30 May, 1946, 2, in "British Commonwealth Conference on Nationality and Citizenship," TNA CAB 21/1755.
[180] This was due, in part, to the way that British nationality developed as a category that contained multiple identities and was inextricably connected to Empire.
[181] "Meeting of the Prime Ministers Committee of Officials on Nationality Questions," 30 May, 1946, 2-3, TNA CAB 21/1755.

In creating the British Nationality Act, historian Ian Sanjay Patel argues that "the 1948 Act took the idea of the Commonwealth and used it as the underlying foundation of British nationality."[182] In this way, the UK was still defining nationality through imperial connections, even though the Dominions had moved to a distinctly national framework. During a parliamentary debate on the bill, Attorney General Hartley Shawcross said in the context of other Commonwealth countries defining their own citizenships, that in "the metropolitan centre of the Commonwealth and the historical Motherland I hope that we shall always accord the citizens of other Commonwealth countries the full rights and privileges that we are prepared to extend to our own citizens."[183] In this way, Britain was determined to maintain their commitments to the ideals of the Commonwealth, even though, as historian Randall Hansen describes, Britain's commitment to the Colonies was much more superficial than their attitudes towards the Dominions.[184]

Most significantly, British officials' concerns about how British nationality was defined in the British Nationality Act, and the implications thereof, were understood in this context of local Dominion citizenships. On the subject of dual citizenship, Maxwell explained that British officials were struggling with the Dominions' opinions against dual citizenship for those in the Commonwealth. He argued that "United Kingdom opinion valued the family ties between Commonwealth countries, and would find it difficult to accept the view that a man severed his connection with the United Kingdom by taking up residence in another Commonwealth

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[182] Ian Sanjay Patel, *We're Here Because You Were There: Immigration and the End of Empire* (London: Verso, 2021), 57.
[183] Hartley Shawcross, "British Nationality Bill Lords," 7 Jul, 1948, UK Parliamentary Debate, H.C., 5th ser., vol 453 (1948), col. 495.
[184] Randall Hansen, *Citizenship and Immigration in Post-War Britain: The Institutional Origins of a Multicultural Nation* (Oxford: Oxford University Press, 2000), 18.

country."[185] While certainly there were concerns about overall imperial unity and the maintenance of these "family ties," the Dominions held a more favoured position. Hansen explains that the non-white Colonies "were only marginally relevant" in Britain's decision to "maintain an open door to the whole Commonwealth."[186] For Hansen, immigration policies up to the 1960s were "conditioned by an ideological commitment…to a previous century's colonies: the 'Old Commonwealth' of Canada, New Zealand, and Australia."[187] It was only because of principle, and the presumption that the number of non-white migrants from the Colonies would be insignificant, that the UK was determined that maintain universal rights within the Commonwealth.

With the passage of the British Nationality Act in 1948, at least 600 million people were granted citizenship of the United Kingdom and Colonies, and with that "full rights to move to and live in Britain."[188] Policy-makers recognized this watershed piece of legislation to be "one of the most important Bills that has come before Parliament."[189] However, politicians at the time did not fully grasp the immigration implications of the Act.[190] At the time, the Act was understood within the context of redesigning British citizenship and subjecthood through the lens of the Commonwealth, not specifically what that could mean for immigration. This reorientation

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[185] "Minutes of the FOURTH MEETING of the British Commonwealth Conference on Nationality and Citizenship," 6 February, 1947, 17, in [Nationality and Citizenship Conference, London 1947]: Submissions and Proceedings – British Commonwealth Conference on Nationality and Citizenship – Report with Appendices, NAA: A467, SF40/1 REPORT, Appendix C.
[186] Hansen, *Citizenship and Immigration in Post-War Britain*, 17.
[187] Hansen, *Citizenship and Immigration in Post-War Britain*, 17.
[188] Patel, *We're Here Because You Were There*, 58.
[189] Richard Glyn, "British Nationality Bill Lords," 7 Jul, 1948, vol. 453, col. 449.
[190] See for example: Patel, *We're Here Because You Were There*, 59; Erica Consterdine, "Parties Matter but Institutions Live on: Labour's Legacy on Conservative Immigration Policy and the Neoliberal Consensus," *The British Journal of Politics and International Relations* 22, no. 2 (2020): 186; Spencer, *British Immigration Policy Since 1939*, 55.

frustrated many British officials as local Dominion citizenships that initiated this change challenged their ideals of a universal British nationality and imperial commitments.[191]

It was not just the UK that saw free immigration as a tool to maintain and express meaningful connections within the Commonwealth. For example, at the 1950 Commonwealth Parliamentary Association Conference in Wellington, "debate emphasized that the weakest link between India and the other Commonwealth countries is the policy of restrictions on the movement of Indian population."[192] Although the *Canadian Citizenship Act* presented real and hypothetical problems in framing nationality and creating gateways to British nationality, the British were eager to maintain imperial links. Kathleen Paul asserts that it was imperial obligation, rather than ideals of widespread equality that Britain was securing in the new nationality act.[193] Certainly some of the motivation of the British to maintain these links was to solidify and maintain their global stature, and they saw significance in both the Dominions and the newly independent Colonies, especially India, in achieving this goal.[194] However, without overstating or exaggerating the role of sentiment, much of the motivation for the British Nationality Act to have universal rights was based in the desire of the UK to maintain close ties

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[191] The Bill was initially defeated in the House of Lords due to concerns over the use of the term "citizen" which some found too republican. Lord Altrincham argued, for example, that allegiance is owed to the King, and not to a political system. "Peers Reject 'Citizen,'" *Daily Herald*, June 22, 1948, British Newspaper Archive. See also: "British Nationality Bill Lords," 7 Jul, 1948, vol. 453, col. 385-510; "British Nationality Bill Hl," 21 Jun, 1948, UK Parliamentary Debate, H.L., 5th ser., vol. 156 (1948), col. 992-1083.

[192] "Empire Peoples," *Waihi Daily Telegraph*, December 6, 1950.

[193] Paul also points to concerns that if the Colonies were not under one citizenship with the UK then it would lead to more calls for independence. She asserts that "From this perspective it may be suggested that the declaration of a universal nationality contained within the 1948 Act was less a profession of faith in the enduring ideals of empire and more a desperate last stand against encroaching colonial independence and imperial disintegration." Paul, "Communities of Britishness," 182–83.

[194] Prior, "'This Community Which Nobody Can Define'"; Dean, "Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s," 173; Mann, "The Evolution of Commonwealth Citizenship," 298; Spencer, *British Immigration Policy Since 1939*, 65–68; Paul, "Communities of Britishness," 189.

with the Dominions; these ties, based on shared heritage and whiteness, were not *only* based in obligation or national benefit.[195]

This attachment and preference for the Dominions is evident in parliamentary debates surrounding the Bill and possible amendments. Members voiced their concerns that it would create a status of citizens of the UK and Colonies that would explicitly exclude those in the Dominions from enjoying the same rights. Labour MP Ron Chamberlain opposed the distinct category of citizen of the United Kingdom and Colonies and argued,

> that someone coming from Nigeria is a citizen of the United Kingdom and Colonies direct he sets foot in this country, and he is recognised as such immediately, but that some one coming from Australia is not recognised in that way. He is on a lower plane, and much though we esteem and value our friends in the Colonies, we surely do not want to put them on a different and higher plane in this matter to our brothers and sisters in the Dominions.[196]

Much of the debate over the Bill was concerned with the impact it would have on the Dominions, rather than considering the ways that this opened the UK to widespread colonial immigration.

Fundamentally, the British Nationality Act was "never intended as a migration instrument."[197] Though it had great significance in identifying and codifying citizens, the Act "did not create any new rights or obligations."[198] The right to migrate and settle in various parts of the British Empire technically existed prior to the passage of the Act, and was a symbolic

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[195] Dominion residents were frequently considered part of the British "family" and whiteness became "a prerequisite for both imperial migration and membership in the real British family." Paul, "Communities of Britishness," 184–85.
[196] Ronald Chamberlain, "British Nationality Bill Lords," 13 Jul, 1948, UK Parliamentary Debate, H.C., 5th ser., vol 453 (1948), col. 1054.
[197] Consterdine, "Parties Matter but Institutions Live On," 186.
[198] Saima Nasar, "Commonwealth Communities: Immigration and Racial Thinking in Twentieth-Century Britain," in *Commonwealth History in the Twenty-First Century*, ed. Saul Dubow and Richard Drayton (Palgrave Macmillan, 2020), 105.

assertion of "Britain's status as the "mother country," and thereby its commitment to the freedom and equality of both its individual subjects and the nations in the Empire and Commonwealth."[199] The doctrine of *Civis Britannicus sum* was still idealized to uphold mobility and nationality rights between the Dominions and the UK.[200] The Dominions were altering existing nationality and immigration policies that resulted in distinct rights for those from each Commonwealth country and the UK. Prior to these changes, British subjects technically enjoyed the right of free entry to any part of the Empire.[201] Sir David Maxwell Fyfe, a prominent Conservative politician, boasted in parliament that "we were proud in this country that we imposed no colour bar restrictions…These people [from the Colonies], broadly…found themselves as privileged in the United Kingdom as the local citizens."[202] He was against

> Any tendency to differentiate between different types of British subjects in the United Kingdom. We feel that when they come to the United Kingdom there ought to be an open door and a reception for every type. If we create a distinctive citizenship for Britain and the Colonies, inevitably such differentiation will creep in. We must maintain our great metropolitan tradition of hospitality to everyone from every part of our empire.[203]

These attitudes are reflected in the way UK delegates pushed to uphold mobility rights during the 1947 Commonwealth Conference on Nationality and Citizenship.

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[199] Richard T. Ashcroft and Mark Bevir, "British Multiculturalism after Empire: Immigration, Nationality, and Citizenship," in *Multiculturalism in the British Commonwealth: Comparative Perspectives on Theory and Practice* (Oakland: University of California Press, 2019), 27–28.
[200] Consterdine, "Community Versus Commonwealth," 4.
[201] Patel, *We're Here Because You Were There,* 30. Of course individual immigration controls implemented by the Dominions restricted this movement, but it did exist in principle.
[202] David Maxwell Fyfe, "British Nationality Bill Lords," 7 Jul, 1948, vol. 453, col. 403.
[203] Fyfe, "British Nationality Bill Lords," 7 Jul, 1948, vol. 453, col. 411.

British officials put great significance on the movement of white Britons around the Dominions.[204] Smith describes the way that emigration to the Dominions "undoubtably helped to strengthen Commonwealth relations."[205] The desire to maintain open borders is evident in parliamentary debates about the emigration of Britons to other Commonwealth countries in June 1948. Though primarily concerned with the Dominions, members agreed that the Commonwealth would also benefit from the movement of Britons from the UK to the Colonies.[206] Though some MPs pointed out the difficulties facing the UK as young people left for the Dominions, others emphasized the importance of emigration for the bonds of the Commonwealth.[207] The Commonwealth, and the importance of its strength, was integral to this debate. Low, for example, asked the government to consider emigration questions "from a Commonwealth point of view," with the ultimate aim of strengthening the Commonwealth even if that means the UK must "risk a small short-term sacrifice."[208] Since the British Nationality Act intended to uphold established principles of free movement, debates on the Bill were involved in parliamentary discussions on emigration. For example, Labour MP Eric Fletcher hoped the UK would take the initiative to facilitate freer migration between and among the Commonwealth, to which he though the British Nationality Bill, currently under consideration, "makes a valuable

[204] In the post-war period, Australia, New Zealand, Canada, Rhodesia, and South Africa continued to encourage and support British immigration. Many had various schemes, that pre-date WWII, to assist Britons who chose to migrate. T.E. Smith, ed., "Introduction," in *Commonwealth Migration: Flows and Policies* (London: Macmillan Press, 1981), 1–10.
[205] Smith, "Introduction," 2.
[206] Under-Secretary of State for Commonwealth Relations, Patrick Gordon-Walker (Labour) closed the debate by agreeing with MP Low (Conservative) on the point that "it is essential that this flow of people from Britain round the Commonwealth should continue in the interests of the Common wealth [sic] as a whole." Patrick Gordon-Walker, "Emigration," 18 Jun, 1948, vol 452, col. 916.
[207] "Emigration," 18 Jun, 1948, vol. 452, col. 880-916. Also related to the question of emigration was Britain's population. In the years following the Second World War there was disagreement on whether or not Britain was overpopulated. See also: "Over-Population in Britain Matter of Opinion," *Gisborne Herald*, December 2, 1950.
[208] Low, "Emigration," 18 Jun, 1948, vol. 452, col. 890.

contribution to the matter."[209] Clearly, freedom of movement to and from the Dominions, and the implications for Commonwealth strength, were fundamental to British opinions on Commonwealth migration and the commitment to universal rights of entry.

This was occurring, of course, as South Asian migrants were facing increasing restrictions in other parts of the Commonwealth. For example, 1948 was also the year that South Africa formally implemented apartheid, after decades of discrimination. In 1953, ten Indian women and their children were refused entry and they sent a message to the Queen, appealing to her position as a "wife and mother," to use her "good offices as Queen of the Commonwealth," to allow them to join their husbands in South Africa.[210] In East Africa, there had been calls from European populations for restrictions to control Asian immigration throughout the early twentieth century.[211] In 1946, the East African Government intended to make permanent the wartime immigration restrictions placed upon South Asians entering the territories of Uganda, Kenya, Tanganyika, and Zanzibar, which was opposed by both the Indian diaspora and Indian Governemnt.[212] For example, "the Governemnt of Indian conveyed the message to Uganda that no Indian should be assigned a status inferior to that of any other class of British subjects in a Crown Colony and Protectorate in the administration of which the local population had no control."[213] Particularly in the case of East Africa, there were considerations of class alongside

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[209] He spoke specifically about a "future in which there will be the closest possible integration between this country and the British Dominions which owe allegiance to His Majesty, including India and Pakistan." Eric Fletcher, "Emigration," 18 Jun, 1948, vol. 452, col. 907.
[210] "Indian Women's Plea To The Queen," *The Times*, June 2, 1953, The Times Digital Archive.
[211] See for example: Mukesh Kumar, "Indian Immigration in Uganda: Trends and Pattern," *Proceedings of the Indian History Congress* 67 (2006): 939; Sana Aiyar, *Indians in Kenya: The Politics of Diaspora* (Cambridge, MA: Harvard University Press, 2015), 107.
[212] "East African Restrictions on Indian Immigration," *The Civil and Military Gazette*, July 12, 1946, British Newspaper Archive; "India to Send Delegation to East Africa," *The Civil and Military Gazette*, August 7, 1946, British Newspaper Archive; "Restrictions on Immigration into East African Territories," *The Civil and Military Gazette*, December 24, 1946, British Newspaper Archive.
[213] Kumar, "Indian Immigration in Uganda," 939. In July 1946, a delegation of Indians in East Africa met with officials from the Commonwealth Relations Department and called upon the Governemnt of India to make their own

race, as Asians mainly held positions as merchants and public servants that Africans did not or could not hold. In both cases, Indians used the language and mechanisms of the Commonwealth to argue their case for equality.

Ultimately, British officials were keen to protect Commonwealth mobility rights because they seemed genuinely convinced that significant non-white immigration was something that only occurred in the Dominions.[214] As Hansen describes, UK officials understood movement to and from the Dominions as a "permanent transfer of population," while non-white migration was generally understood as temporary – like future politicians and other students coming to the UK for an education.[215] Even with the passage of the British Nationality Act, British politicians presumed "that prewar patterns of migration, which largely consisted in a flow from Britain to the "Old" Commonwealth, with a small number in return, would continue as before."[216] As seen in their discussions of dual citizenship at the 1947 Commonwealth Conference, the UK did not define itself at the time as a "country of immigration." But by as early as the spring of 1948, the

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inquiry into the situation, which they did later that year. See: "East African Restrictions on Indian Immigration"; "Restrictions on Immigration." In 1949, Indian member of the Kenyan Legislature A. B. Patel moved that immigration restrictions against Asians should be repealed; he was met with opposition from both European and African members. "Kenya Immigration Laws," *The Times*, August 18, 1949, The Times Digital Archive.

[214] Panayi argues that the occurrence of 2.5 million people migrating to Britain before 1945 "clearly points to the fact that it had become a significant country of immigration before the Second World War." He agrees with the general historiographic consensus that before 1945 Britain was a country of emigration, but asserts that it should also be considered one of immigration. This is in spite of the 11.4 million Britons who left in the years 1815-1930 and the fact that both Afro-Caribbean and Asian immigration and settlement clearly takes on a completely different magnitude in the post-war years, and post-war migration shaped Britain "in a manner perhaps not seen since the Anglo-Saxon, Viking and Norman invasions." Panayi, *An Immigration History of Britain*, 40, 310. Rozina Visram similarly emphasizes pre-WWII immigration. She asserts that South Asian migration was not a post-war phenomenon, but rather "a continuation of the process begun as a result of the exchange between colonisers and the colonised from the seventeenth century." Rozina Visram, "History of Asians in Britain 1600-1950," in *Migrant Britain: Histories and Historiographies*, ed. Jennifer Craig-Norton, Christhard Hoffmann, and Tony Kushner (Routledge, 2018), 217. In his monograph on immigration and the construction of Britishness, Tony Kushner describes "colonial, post-colonial and non-colonial" migrations to contribute to the arguments made about the importance of immigration to Britain's own history and identity. Tony Kushner, *The Battle of Britishness: Migrant Journeys, 1685 to the Present* (Manchester: Manchester University Press, 2012), 7. Ultimately, race, imperialism, and scale are important considerations in Britain's status as a country of immigration, and British officials did not consider the UK to be a country of immigration until the latter half of the twentieth century.

[215] Hansen, *Citizenship and Immigration in Post-War Britain*, 54.

[216] Ashcroft and Bevir, "British Multiculturalism after Empire," 28.

UK would be confronted with the Empire arriving on the shores of the British Isles. However, with the new nationality legislation, Britain now "gave *statutory* form to a right to immigration to the UK."[217]

Post-War Migration: The *Empire Windrush*

The *Empire Windrush*, a vessel carrying an estimated 400 Caribbean migrants, docked in London on June 22, 1948.[218] The now infamous arrival was a popular topic in parliament and the press as early as the beginning of June 1948. Many in the UK were upset, demanding to know how and why the immigrants were able to board a ship on the other side of the Atlantic and arrive on domestic British shores. Minister of Labour, George Isaacs, when asked who was responsible for their arrival, replied: "I wish I knew. All I know is that they are in a ship and are coming here."[219] But these jobseekers were not involved in any sort of formal immigration or employment scheme.[220] They were simply British subjects who bought their own passage to the UK, and "obviously it is impossible to prevent British subjects who choose to pay their own way from moving from one part of the British Empire to another."[221] Regardless of their legal right to enter the UK, these non-white migrants did not meet the standard of desirable immigrants.[222]

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[217] Ashcroft and Bevir, "British Multiculturalism after Empire," 27. Emphasis in original.
[218] The ship carried many more passengers, but this was the roughly estimated number of Caribbean migrants.
[219] "500 Sail Here from the Indies, Job Seeking," *News Chronicle*, June 9, 1948, British Newspaper Archive.
[220] At this time the UK was involved in the European Voluntary Workers program which was designed to mitigate post-war labour shortages by recruiting displaced people. Hansen explains that the government briefly considered addressing labour shortages with Commonwealth migration, but ultimately decided to employ Europeans. These workers received transportation to Britain, housing upon arrival, job placement, and the UK employed strategies like renaming migrants "European Voluntary Workers," rather than "displaced persons" and producing local magazine and television campaigns to avoid social marginalization. Hansen, *Citizenship and Immigration in Post-War Britain*, 8; Paul, "Communities of Britishness," 186.
[221] Tom Driberg, "West Indians and Africans," 15 Jun, 1948, UK Parliamentary Debate, H.C., 5th ser., vol. 452 (1948), col. 226.
[222] The white, mainly middle-class and Protestant European workers recruited under the European Voluntary Workers schemes embodied a more suitable immigrant. However, McDowell and Webster argue that while their whiteness afforded them a more favourable status, these workers still faced issues such as racism and sexism and were treated more as labouring commodities than people. Linda McDowell, "Old and New European Economic Migrants: Whiteness and Managed Migration Policies," *Journal of Ethnic and Migration Studies* 35, no. 1 (2009):

The *Empire Windrush* was carrying mainly Caribbean migrants, but is still an important part of the story of South Asian migration within the Commonwealth because its arrival is significant to understanding the shifts in Britain's Commonwealth immigration policies. The first arrivals were concurrent with the debates on the 1948 British Nationality Act and reveal the contradictory attitudes of wanting to maintain free mobility, while keeping out non-white colonial subjects. As Ian Spencer argues, from the very start of the post-war period, a "dichotomy between the government's publicly expressed tolerance of black immigration and its private regret and hostility was established."[223] This is evident through the way Secretary of State for the Colonies, Arthur Creech Jones, expressed his discontent with the arrival of Black British subjects on the *Empire Windrush* to his colleagues and immediately wrote to Jamaica demanding to know if the migration was planned, and if so, by whom.[224] At the same time, Attlee responded much more positively to a letter he received from Labour MP J.D. Murray and ten other MPs calling for restrictive legislation.[225] Attlee cautioned that action at this point was not necessary, at this time it seemed unlikely this situation would reoccur, and it seemed the majority of these immigrants are honest workers willing to aid British labour shortages.[226] In addition, government attitudes indicate that even after the arrival of *Windrush*, there remained an understanding that immigration from the Colonies to Britain would be limited.[227]

19–36; Wendy Webster, "Defining Boundaries: European Volunteer Worker Women in Britain and Narratives of Community," *Women's History Review* 9, no. 2 (2000): 257–76.

[223] Spencer, *British Immigration Policy Since 1939*, 53.

[224] Spencer, *British Immigration Policy Since 1939*, 52; Secretary of State for the Colonies, "Telegram from Secretary of State for the Colonies to OAG Jamaica Re: Jamaicans Travelling on the 'Empire Windrush,' June 16, 1948," June 16, 1948, Alexander Street.

[225] Spencer, *British Immigration Policy Since 1939*, 52.

[226] C.R. Attlee, "Letter from C. R. Attlee to J. D. Murray Re: Emigration of Jamaicans to United Kingdom, July 5, 1948," July 5, 1948, Alexander Street.

[227] Hilton Poynton, "S.S. Empire Windrush – Jamaicans Unemployed, Draft Memo," 13 June, 1948, TNA CO 876/88 accessed via Alexander Street.

Though colonial immigration was perhaps unwanted, Attlee and his Cabinet frequently publicly reminded Britian of its imperial commitment and obligations to colonial subjects. In his letter to the eleven MPs, for example, Attlee made clear Britain's imperial responsibility to the Colonies. He wrote of the tradition of free movement of all subjects, regardless of their race, and asserted that under the circumstances of Britain's importing foreign labour, it is even more important to fulfill this responsibility so as to not upset the Colonies or "take any measure which would tend to weaken the goodwill and loyalty of the Colonies towards Great Britian."[228] Foreshadowing the possibility of restrictive immigration legislation, Attlee conceded that if "a great number of undesirables" were to enter the UK as British subjects, "we might, however unwillingly, have to consider modifying," the policy, but at this time Attlee does not see the "compelling evidence" required.[229] In 1948, the number of immigrants from the Colonies was only around 2,000, and was thus not a huge demographic threat.[230] Though still clearly committed to the principles of free movement, *Windrush* began to formally challenge Britain's place as a country of emigration, rather than immigration and in doing so, revealed racial hierarchies entrenched in the Commonwealth.[231]

Like South Asians, Black colonized people had been living in the UK, in smaller numbers, for centuries. But in the period between the late 1940s and the early 1960s, Caribbean

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[228] Attlee, "Emigration of Jamaicans," July 5, 1948.
[229] Attlee, "Emigration of Jamaicans," July 5, 1948.
[230] The National Archives, "Origins of Commonwealth Immigration," accessed July 11, 2022, https://www.nationalarchives.gov.uk/cabinetpapers/themes/origins-commonwealth-immigration.htm.
[231] The shift in British perception to a country of immigration was a slow process. Kushner describes how leading British delegate, Lord Winterton, dismissed Britain's position as a country of immigration at a conference on refugees in Evian in 1938 and Home Secretary R.A. Butler similarly repudiated the notion of Britian as a country of immigration in the House of Commons to support rejecting Hungarian refugees in 1957. But in 2000, Labour minister for immigration, Barbara Roche described Britain as a "country of migrants" and the 2004 Home Office document on citizenship explicitly identifies Britain as a country of immigration, made up of people with roots in places around the world. Kushner, *The Battle of Britishness*, 13–14, 26.

born migrants made up the largest group of non-white Commonwealth immigrants.[232] Following the Second World War, these workers and families arrived in the UK with the intention of finding work.[233] Employment was both a push and pull factor as certain industries in Britain faced post-war labour shortages and unemployment was a major concern in the Caribbean.

The utter lack of employment opportunities at home and the rights ensured by their status as British subjects were a significant motivation in their journeys to Britain. Historian Tony Kushner uses work by Jamaican-born migrant, Donald Hinds to challenge the romanticization of the UK as a destination for Caribbean migrants. [234] British-born Eileen Johnson, her Jamaican husband Willis, and their two children were en route to escape "Disillusion Island," and attempt to make a better life in the UK.[235] Winston Webb, a builder from British Guiana, is quoted that "We are prepared to take what is coming and make the best of it. All we ask for is a job and a chance to help Britain in her manpower shortage."[236] Even with the acknowledgement that "some industries in Britain are undermanned," Labour MP Tom Driberg asked Colonial Secretary Jones

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[232] Kennetta Hammond Perry, *London Is the Place for Me: Black Britons, Citizenship and the Politics of Race* (Oxford University Press, 2016), 7.

[233] Though the migrants on the *Empire Windrush* were not part of an official employment scheme, they were offered some support from the UK government upon their arrival. Ness Edwards, Parliamentary Secretary for the Ministry of Labour, stated on June 15 that "Provision of accommodation for persons who arrive in Great Britain in these circumstances is not a matter for my Department," and that "we can do no more for these men that we do for our own men in this matter." However, Colonial Secretary Jones said that he would work with other departments to help receive and temporarily house the migrants upon their arrival. Ultimately, a coordinated effort from the Home, Colonial, and Labour Offices led by the Colonial Office welfare department provided some accommodation and travel vouchers for the migrants. Ness Edwards, "West Indians and Africans," 15 Jun, 1948, vol. 452, col. 225-226; Arthur Creech Jones, "West Indies (Unemployment)," 16 Jun, 1948, UK Parliamentary Debate, H.C., 5th ser., vol. 452 (1948), col. 421.

[234] Hinds came to London in 1955 to work for London Transport. He wrote about his journey to the UK and his experiences as a migrant in a 1966 work entitled *Journey to an Illusion: the West Indian in Britian.* Hinds also wrote for the *West Indian Gazette.* Kushner, *The Battle of Britishness*, 163–64.

[235] This is the name the Johnson family gave to Jamaica after Willis was unable to find work and they had spent most of their savings, prompting them to return to Eileen's childhood home. "Eileen Comes Back from Isle of Lost Hope," *The Daily Mirror*, June 17, 1948, British Newspaper Archive.

[236] "It Was Roast Beef for the Jamaicans," *The Birmingham Gazette*, June 23, 1948, British Newspaper Archive. Versions of this quote also appear in: "Jamaicans Get Roast Beef," *The Western Morning News*, June 23, 1948, British Newspaper Archive; "Jobless Arrive Here," *Herald Express*, June 22, 1948, British Newspaper Archive; "Jamaicans Come to Britain to Seek Work," *The Coventry Evening Telegraph*, June 22, 1948, British Newspaper Archive.

if it was made clear that those arriving would not be guaranteed work and suggested that the UK should "initiate more vigorous efforts to deal with the considerable unemployment in the West Indies."[237] To prevent further large-scale migration, Jones was asked in parliament if it would be possible to set up a screening system to ensure that Caribbean migrants arriving had the necessary skills to fill vacancies in the British labour market. The Colonial Secretary replied that "we recognise the need for some vetting, but obviously we cannot interfere with the movement of British subjects."[238]

In 1948, the UK could not legally restrict immigrants from the Commonwealth or Colonies from arriving. Up until the mid-1950s, while there were some efforts to stop or prevent further large-scale immigration, there was not a significant amount of anti-immigration sentiment evident in Parliament or newspapers. This does not mean that immigrants were wanted by all, but that they had not yet become an important part of national conversations. Most importantly, the racialization of non-white migrants, paired with increasing nativism had not yet garnered widespread public support in the late 1940s. As numbers of Caribbean, South Asian, and other non-white Commonwealth migrants increased throughout the 1950s and 1960s, anti-immigration animosity rose. Nonetheless, as early as 1948, the UK government began implementing unofficial strategies to discourage migrants. For example, following the arrival of *Windrush,* the UK government took steps to limit the number of inexpensive tickets that were available for

[237] Tom Driberg, "West Indies (Unemployment)," 16 Jun, 1948, vol. 452, col. 421.
[238] Jones also indicated that "it is very unlikely that a similar event to this will occur again in the West Indies," which again points to the UK's incorrect assumption that post-war migration would be limited in scope. Jones, "West Indies (Unemployment)," 16 Jun, 1948, vol. 452, col. 422.

migrants from the Caribbean.[239] These artificial limits were not publicized.[240] There were, however, public campaigns employed by the UK to directly deter colonial immigration.[241]

Posters and pamphlets were distributed in areas of potential migrants to convince them not to come to the UK. This strategy of indirect restriction and discouragement of non-white immigrants in the Empire and Commonwealth frequently utilised the seemingly benign categories of climate and culture. These campaigns warned newcomers of the inhospitable climate, bland food, unfriendly population, housing and job shortages, and hard labour that awaited them in the UK.[242] For example, one poster's main message was: "Travellers to England! Remember there is unemployment in England."[243] There were even signs posted on board the *Empire Windrush* encouraging people to rethink their arrival in the hopes of deterring these and future migrants.[244] One more extreme example suggested that if migrants were not up to the hard work that awaited them in Britain, they should return to Jamaica: "even if you have to swim the Atlantic. No slackers will be tolerated."[245] As writer Robert Winder explains, the message was loud and clear: colonial immigrants are not wanted.[246]

These kinds of messages were not new in this period. They had been used, for example, by Canada at the beginning of the twentieth century as part of their response to unwanted Indian

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[239] In his letter to Murray and the other MPs, Attlee mentioned that the specific circumstances of ex-servicemen having just received their gratuities and the availability of exceptionally cheap tickets that allowed so many people to book passage to the UK. It is noted, however, that not all the available tickets were booked on the *Windrush*.
[240] Spencer, *British Immigration Policy Since 1939*, 53.
[241] Hansen, *Citizenship and Immigration in Post-War Britain*, 59.
[242] Hansen, *Citizenship and Immigration in Post-War Britain*, 59; Robert Winder, *Bloody Foreigners: The Story of Immigration to Britain* (London: Little, Brown, 2004), 258–59, 268; Dennis Dean, "The Conservative Government and the 1961 Commonwealth Immigration Act: The inside Story," *Race & Class* 35, no. 2 (October 1, 1993): 58.
[243] Image used in Katie Tonkiss and Tendayi Bloom, "History Offers Britain an Important Lesson on Shutting down Immigration," *The Conversation*, September 26, 2016, http://theconversation.com/history-offers-britain-an-important-lesson-on-shutting-down-immigration-65840.
[244] Winder, *Bloody Foreigners*, 259.
[245] Winder, *Bloody Foreigners*, 259.
[246] Politicians in multiple ministries made clear the arrival was unwanted and a problem that needed to be solved before the *Empire Windrush* even arrived in London. Winder, *Bloody Foreigners*, 259–60.

migrants in 1905.[247] Mongia asserts that claims of cultural and climatic incompatibility, rather than biological racism, used by the Canadian state – which was still a self-governing Dominion at this time – was one part of their effort to prevent Indian immigration while not challenging British subjecthood and exposing "the rule of colonial difference in a particularly salient and unacceptable manner."[248]

These campaigns required the cooperation of the Colonies. The Acting Governor of Jamaica sent Jones a series of telegrams in spring 1948, just ahead of the arrival of the *Empire Windrush,* which warned Jones of the numbers of Caribbean jobseekers expected to arrive in London, provided detailed lists of the passengers and their skills, and outlined what they have undertaken to stem immigration from Jamaica. Steps taken included "public announcements on the difficulty of obtaining work."[249] Potential migrants were warned that jobs will be difficult to come by for immigrants, and that while there is no guarantee of support, determined migrants were encouraged to report to the Labour Advisor their skills and experience which may be useful in securing employment in the UK.[250]

During the arrival of *Windrush* and the other early ships, officials in the Colonies worked directly with officials in the UK. When the public deterrence campaigns were reported by the Acting Governor of Jamaica as unsuccessful, officials tried to accumulate as much information

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[247] Mongia, *Indian Migration and Empire,* 117.
[248] Mongia, *Indian Migration and Empire*, 117–19. Partha Chatterjee coined the "rule of colonial difference" in his monograph *The Nation and Its Fragments.* Looking at colonial rule in India, Chatterjee explains how the rule of colonial difference was used by the British to justify continued colonial rule. While officially stating the goal to install responsible and democratic government in all areas, the British contradicted the universality by continuing colonial rule in India. Chatterjee argues that, instead of rejecting universality outright, the rule of colonial difference allowed "the historical and cultural differences, although an impediment in the beginning, can be eventually overcome by a suitable process of training and education." Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993), 18.
[249] "Telegram from Acting Governor of Jamaica to Secretary of State for the Colonies Re: Jamaicans Travelling to United Kingdom Aboard the 'Empire Windrush,' May 11, 1948," May 11, 1948, Alexander Street.
[250] "Letter from Acting Labour Advisor, Labour Department of Kingston, Re: Newspaper Notifications for Assistance of Persons Going to England in Search of Work, May 7, 1948," May 7, 1948, Alexander Street.

about the migrants as they could for the UK ahead of their arrival.[251] Class and race intersected here, as migrants' status as skilled, semi-skilled, or unskilled was collected, recorded, and reported. In addition to the work they did through directly discouraging immigration and collecting employment information to aid UK efforts for job placement, the tone of the Acting Governor's telegrams indicate their disappointment in the departure. For example, on May 11 he wrote to Jones: "I regret to inform you that more than 350 troop-deck passages by EMPIRE WINDRUSH…have been booked by men who hope to find employment in the United Kingdom, and that it is likely that this number will be increased by another 100 before the vessel leaves."[252] It is thus clear that Jamaica cooperated with the UK's endeavour to limit immigration.

Caribbean officials continued to be in involved in immigration campaigns in the decade following *Windrush.* In 1959, near the peak of Caribbean migration to the UK, the BBC Caribbean Service produced a pamphlet based off a series of radio broadcasts by Caribbean migrants that had already moved to the UK. The Prime Minister of the West Indies, Grantley Adams, and UK Commissioner for the West Indies, British Guiana, and British Honduras, Garnet H. Gordon, provided the foreword and introduction. The pamphlet offered advice, and though Adams explained it was not designed dissuade or persuade those "considering 'Going to Britain' to look for employment," it aimed to "give you the facts about the difficulties which you will encounter in the United Kingdom."[253] Gordon hoped the booklet would encourage potential migrants to "not casually travel to England as so many others have done in the past, but

[251] "Telegram from Acting Governor of Jamaica, May 11, 1948." This resulted in detailed documents that listed each passenger and their status as a skilled, semi-skilled, or unskilled labourer. "Classification of Prospective Workers Booked to Sail for the United Kingdom on the S.S. 'Empire Windrush,'" 1948, Alexander Street.
[252] "Telegram from Acting Governor of Jamaica, May 11, 1948."
[253] BBC Caribbean Service, "Going to Britain?" (British Broadcasting Corporation, 1959), 5, The British Library, https://www.bl.uk/collection-items/bbc-pamphlet-going-to-britain.

undertake the adventure, if you so decide, with a better chance of making it a success."[254] Though clearly these messages did not explicitly discourage migrants, even advice for success was steeped in language that emphasized the great difficulty that would inevitably face anyone attempting to settle in Britian.

In addition to the strategies of unofficial immigration restriction, British newspaper coverage of *Windrush*'s arrival frequently emphasized the lack of opportunity for the incoming migrants that was voiced through the government channels mentioned above.[255] Though the arrival of the *Empire Windrush* was not the first time Black British subjects had come to the UK, the arrival of *Windrush* was a very public event, frequently featured in newspaper and political debates of the time.[256] Notwithstanding the migrants' subjecthood, exercising their statutory rights to enter the UK, they still faced British hostility upon their arrival. For example, The *News Chronicle* closed a June 9, 1948 article with: "The "invasion" has not been organised. All the passengers paid their passages."[257] The latter sentence likely references concerns about stowaways and one-way sailors of colour who had been settling in Britain in the mid- to late-1940s.[258] More significantly, though, the use of the word "invasion" implies not only that the arrival is unwelcome, but that it potentially poses a threat to the UK.[259] This is in opposition to the principles of free movement that were so emphasized by officials during the debates of the

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[254] BBC Caribbean Service, "Going to Britain?," 7.
[255] "500 Sail Here from the Indies, Job Seeking"; "Bound for Land of Hope," *Daily Herald*, June 9, 1948, British Newspaper Archive; "Alarm at West Indian 'Invasion,'" *News Chronicle*, June 11, 1948, British Newspaper Archive; "Smythe Was on the Job," *Daily Herald*, June 22, 1948, British Newspaper Archive; "492 Confident Jamaicans," *The Press and Journal*, June 23, 1948, British Newspaper Archive.
[256] Hammond Perry, *London Is the Place for Me*, 7; Simon Peplow, "'In 1997 Nobody Had Heard of 'Windrush': The Rise of the 'Windrush Narrative' in British Newspapers," *Immigrants & Minorities* 37, no. 3 (2019): 214.
[257] "500 Sail Here from the Indies, Job Seeking."
[258] See "Stowaways, One-Way Sailors and Unemployed Seaman," in Spencer, *British Immigration Policy Since 1939*, 33–38.
[259] The *News Chronicle* again called the arrival of immigrants on the *Windrush* an "invasion" in their even more inflammatory June 11, 1948 article called "Alarm at West Indian 'Invasion.'"

1948 British Nationality Act, indicating the British were only committed to immigration in principle, and not materially.

The fact that the arrival of the job-seekers on the *Windrush* was not an organised effort came up frequently in newspapers and parliamentary debates.[260] Though never referring to the arrival in terms of invasion, an unnamed Colonial Office official declared that "It seems that it was entirely spontaneous."[261] This, too, suggests the disconnect between how the press understood the principles of the British Nationality Act and the reality of the statutory rights it confirmed. Paul contends that British policymakers were clear from the beginning that just because these British subjects could come to the UK, does not mean they should.[262] Ideals of universal subjecthood, and the consequent mobility implications, were enshrined in the British Nationality Act, but when faced with the reality of postcolonial migration, the UK was not keen to accept non-white British subjects.

Today, the term "*Windrush* generation" describes migrants from the New Commonwealth who arrived between 1948 and the early 1970s.[263] The term "*Windrush*" evokes a watershed moment in the history of Britain: when the Colonies came to their doorstep. However, historians have challenged the mythical place this event holds in public memory.[264]

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[260] See for example: "Bound for Land of Hope"; "Help for Unexpected Jamaicans," *The Yorkshire Post*, June 22, 1948, British Newspaper Archive.; "West Indians and Africans," 15 Jun, 1948, vol. 452, col. 224-226; "West Indians (Unemployment)," 16 Jun, 1948, vol. 452, col. 421-422.
[261] "'All Aboard' for the Jamaicans," *Birmingham Gazette*, June 22, 1948, British Newspaper Archive. This is also clear through the telegrams sent by the Acting Governor of Jamaica.
[262] Paul, "Communities of Britishness," 188.
[263] This movement generally refers to Caribbean migrants, and often, especially when referring to those who arrived on the *Empire Windrush,* "Jamaican" is used as a catch-all for all migrants from the Caribbean. However, Matthew Mead points out that the *Windrush* itself made stops in Trinidad, Tampico, Havana, and Bermuda in addition to Kingston, Jamaica. Matthew Mead, "Empire Windrush: The Cultural Memory of an Imaginary Arrival," *Journal of Postcolonial Writing* 45, no. 2 (2009): 142.
[264] See for example: Mead, "Empire Windrush"; Peplow, "'In 1997 Nobody Had Heard of 'Windrush'"; Mike Slaven, "The Windrush Scandal and the Individualization of Postcolonial Immigration Control in Britain," *Ethnic and Racial Studies* 45, no. 16 (2022): 49–71; Hammond Perry, *London Is the Place for Me*. Today, *Windrush* often

Through commemorative events in the twentieth and twenty-first centuries and *Pathé* coverage from the time, Windrush has been made into an iconic beginning in the narrative of Britain's multiculturalism.[265] Though on the surface acknowledging the racism and discrimination that migrants faced upon arrival in the UK, historian Simon Peplow describes how this teleological telling promoted a "simplistic narrative of progression."[266] Keeping the problematic myth of the *Empire Windrush* in mind, one cannot ignore the impact it did have at the time. Kennetta Hammond Perry, in her book on Black Britons, race, and citizenship, explains that "the *Windrush* moment has assumed an iconic stature…to provide a landmark of beginnings rather than a historically interpretative guidepost for understanding how Caribbean migrants perceived their relationship to and within the British Empire as colonial subjects and imperial citizens."[267] Though perhaps not the uncontested watershed as it would come to be known, the arrival of colonized and formerly colonized migrants on the *Empire Windrush* and other vessels in the late 1940s is an important part in the larger story of postcolonial Commonwealth immigration.

Post-War Migration and Policy in the 1950s

Though general negative attitudes, and a number of events, suggested immigration restriction was possible, and potentially welcome, in the 1950s, legislation would not be introduced until the early 1960s. There is some disagreement in the historiography about the specific reasons why the Conservative administrations under Winston Churchill and Anthony Eden chose not to legislate, and Harold Macmillan did not implement official restrictions until

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evokes the 2018 "Windrush Scandal" in which migrants who arrived under earlier immigration regimes were declared illegal migrants, and some were deported.

[265] Peplow, "'In 1997 Nobody Had Heard of 'Windrush'"; Hammond Perry, *London Is the Place for Me*, 12–13. Kushner argues the event did not even show up in historiographies of migration until almost the 21st century. Kushner, *The Battle of Britishness*, chap. 7.

[266] Peplow, "'In 1997 Nobody Had Heard of 'Windrush,'" 217. This narrative, Peplow argues, was largely unchallenged until the Windrush Scandal in 2018.

[267] Hammond Perry, *London Is the Place for Me*, 13–14.

almost the end of his time as Prime Minister. There are two main differences in interpretation. The first is whether scholars believe British officials were committed to principles of empire and the Commonwealth or not. These arguments, first introduced in the context of enacting the British Nationality Act, continue through writings on the decade following its passage. There were multiple reasons British officials upheld the rights guaranteed by the Act, including, for example, Britain's global position; the potential and hope for a powerful Commonwealth; increasing concern over mass colonial independence and their subsequent Commonwealth memberships; and commitment to the Dominions.[268] Those who deemphasize imperial obligation point to the Anglo-centric motivations for remaining pledged to the Empire. This spurs the questions: Does the motivation of British officials undermine their commitment to principle, and if so, was there ever a moment of responsibility to Empire? If the threshold for commitment to principle must be complete unselfish benevolence, then any notion of imperial responsibility would be invalidated based on the extractive and fundamentally unequal and exploitative nature of colonialism.

It is within the context of the "colonial rule of difference" that commitment to imperial equality and imperial obligation must be analysed.[269] Historian Shompa Lahiri describes how the "increasing racial differentiation and exclusion which has characterised the 1960s onwards can be traced to the imperial period."[270] Slavery and indentured labour are just two obvious and horrific examples of British imperial policies that exploited unequal, racialized hierarchies and were foundational for British imperialism and colonialism. It is thus widely accepted that official

[268] Paul, "Communities of Britishness"; Dean, "Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s"; Shompa Lahiri, "South Asians in Post-Imperial Britain: Decolonisation and Imperial Legacy," in *British Culture and the End of Empire*, ed. Stuart Ward (Manchester University Press, 2001), 200–216; Hansen, *Citizenship and Immigration in Post-War Britain*; Spencer, *British Immigration Policy Since 1939*.
[269] Chatterjee, *The Nation and Its Fragments*.
[270] Lahiri, "South Asians in Post-Imperial Britain," 213.

and unofficial racism has been a constant in British colonial history for centuries.[271] Britain's acceptance of unofficial or disguised racism frequently existed alongside imperial commitments and responsibilities.[272] Due to the inherent racial inequality of British imperialism, some scholars have pointed out that the level of equality Britain offered non-white colonial subjects cannot be held to the same standard as their obligation to their white counterparts.[273] This level of equality never existed, there was always a distinct paternalism, steeped in racism, that existed between Britain and the Colonies. Even after independence, when India offered great strategic importance to the UK, Tinker describes the position of Indians "as unequal partners in a British, white empire."[274] Hansen argues the lack of acknowledgement that Britain could hold differing levels of obligation simultaneously is a "straw man erected by those who wish to reject…that British policy-makers accepted any obligation to British subjects."[275] As Colin Holmes describes in his influential 1988 monograph, "among some British people there was a discernable sense of obligation, whatever nuances of superiority this still contained," held toward people of colour from Commonwealth countries that did not exist for those from non-Commonwealth countries.[276] Imperial obligation and commitment to equality has never been a clear-cut or simple concept. Rather than evaluating principle only if it meets an impossible standard of consistency, it is more useful to consider the way that the presence of South Asian and other non-white colonial

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[271] Panayi, *An Immigration History of Britain*, 241–42.
[272] For example, long before the creation of the Commonwealth, Britain demanded that all British subjects should be eligible for full and equal citizenship after serving a term of indenture; however, self-governing Dominions were not required to comply. In an effort to accommodate to both Indian and Dominion pressures, Britian asked that Dominions not restrict the entry of 'respectable' and 'educated' Indians. This request was unacceptable to both the Dominions and Indians. Tinker, *Separate and Unequal*, 22–23.
[273] This, of course, does not imply that non-white colonial subjects did not deserve equality.
[274] Tinker, *Separate and Unequal*, 267.
[275] Hansen, *Citizenship and Immigration in Post-War Britain*, 54–55.
[276] Colin Holmes, *John Bull's Island: Immigration and British Society, 1871-1971* (London: Macmillan Education, 1988), 303.

migrants in the UK demanded Britian to confront and eventually dismantle its principles and obligations.

The second difference in interpretation in the historiography of Commonwealth immigration is whether or not restrictive immigration measures were inevitable. Historian Dennis Dean argued that it was only a matter of time before restrictions were imposed, and that it was therefore the timing that was determined by historical events; David Welsh, on the other hand, asserts that legislation was not inevitable.[277] Hansen utilises the political science theory of path dependency to describe and make sense of the "legal peculiarities" of British Commonwealth immigration policy after 1948. This essentially means that, without determining the outcome, the British Nationality Act of 1948 established a system in which subsequent immigration policies operated.[278] In any case, the pressure created by South Asian and other formerly colonized migrants to the UK contributed to immigration restrictions. This shows continuity between the UK and the Dominions, who restricted immigration as more people of colour from British Colonies migrated within their borders. It also indicates the way that, despite intense commitment to the Commonwealth, the presence of South Asian and other formerly colonized people in the UK resulted in a move away from Empire and toward a more national understanding of Britishness, as was seen in the Dominions earlier in the century.

Throughout this period British officials reiterated and reinforced their belief that Britain was bound by certain principles of imperial equality and British subjecthood, and it was not until

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[277] Dean, "The Conservative Government and the 1961 Commonwealth Immigration Act"; Dean, "Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s"; David Welsh, "The Principle of the Thing: The Conservative Government and the Control of Commonwealth Immigration, 1957–59," *Contemporary British History* 12, no. 2 (June 1998): 51–79.

[278] Path dependency, Hansen argues, should not be understood as overly deterministic, nor does it represent the only factor in decision making. Rather it implies that decisions made earlier set the UK upon a path that was easier to follow than completely diverge. The UK thus chose to introduce immigration legislation rather than reopen nationality law. Hansen, *Citizenship and Immigration in Post-War Britain*, 29–34.

internal and external steps were taken towards decolonization did the UK undermine the rights outlined in the 1948 British Nationality Act. This, however, does not mean there were no unofficial, extralegal, and discriminatory measures taken to reduce immigration. As Welsh suggests, "the principle survived, but there were far from being no restrictions on Commonwealth immigration."[279] Despite the unofficial restrictions, principles of imperial obligation, among other factors, were understood as more important through the 1950s.

Prior to official legislation to restrict non-white colonial immigration to the UK, the British employed unofficial strategies to reduce the number of South Asian immigrants. Agreements dating back to the 1930s with the Indian colonial government, and later with independent India and Pakistan, functioned to restrict immigration from the point of departure instead of arrival.[280] This was mainly accomplished through misrepresenting mobility rights to non-white migrants, and the inaccessibility of acceptable passports and travel documents.[281] This meant "Britian kept its hands clean," while restrictions were unofficially practiced on its behalf.[282]

Through the 1950s, there were significant increases in the numbers of Commonwealth immigrants coming to the UK. In the late 1940s, there were about 2,000 migrants per year, this increased to over 42,000 in 1957, after which there was a dip below 30,000 for the next few years, followed by the peak of over 136,000 Commonwealth immigrants arriving in 1961.[283] Especially as the number of migrants from South Asia climbed, raising concern in the UK, the

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[279] Welsh, "The Principle of the Thing," 76.
[280] Spencer, *British Immigration Policy Since 1939*, 24.
[281] Spencer, *British Immigration Policy Since 1939*, 24–27.
[282] Spencer, *British Immigration Policy Since 1939*, 24.
[283] Herbert Bowden, "Commonwealth Immigration," 23 July, 1965, TNA CAB 129/122/9, Annex A, "Draft White Paper, Immigration from the Commonwealth a Policy for the Future." 1-2. This jump in 1961 is partly attributed to a rush of migrants who wished to enter the UK before the Commonwealth Immigrants Act came into effect in 1962.

governments of India and Pakistan were approached about what steps could be taken to reduce the number of migrants coming to the UK. Welsh describes that the British idea was if the number of South Asian immigrants were reduced unofficially it would relieve the pressure to introduce legislation to restrict immigration. This would mean maintaining the principles and rights of universal British subjecthood in law, and preventing, or at least postponing, broader immigration restriction.[284]

To encourage the governments of India and Pakistan to participate, the UK government offered the "implicit threat" of legislation targeting migrants from these countries.[285] They agreed to the British request. In India, for example, in the two decades following independence, there was widespread passport control, where Indian citizens were often denied passports that enabled them to emigrate.[286] The Indian government agreed to British demands for emigration control in an attempt to "actively construct its diaspora by not permitting the 'undesirable' Indian citizen to emigrate: embarrassing 'lower' class and caste Indians were deemed best contained with the territorial limits of India."[287] India required applicants to prove financial independence or job placement before issuing a passport. In addition to these policies, Pakistan also implemented English-language requirements and worked with the UK government to establish what was essentially a work permit scheme.[288] However, by the end of the 1950s these campaigns were

[284] Welsh, "The Principle of the Thing," 57.
[285] Welsh, "The Principle of the Thing," 57. The UK government also threatened West Indian, along with Indian and Pakistani authorities, that steps must be taken to limit immigration or else "London would have to act and control migration at the point of entry, perhaps permanently." Paul, *Whitewashing Britain,* 154.
[286] This discretionary policy was in effect from 1947-1967, when a 3-2 Supreme Court ruling decided that passports were "a fundamental right of every Indian." Kalathmika Natarajan, "The Privilege of the Indian Passport (1947–1967): Caste, Class, and the Afterlives of Indenture in Indian Diplomacy," *Modern Asian Studies,* 2022, 2.
[287] Natarajan, "The Privilege of the Indian Passport," 3.
[288] Welsh, "The Principle of the Thing," 76.

losing effectiveness as more migrants already in the UK sent letters and money home and wrote of their new lives in the UK.[289]

Tensions within the government and cabinets express the contradiction that existed between imperial duty and racial exclusion. Many scholars have pointed out that throughout the post-war period into the early 1960s support for immigration restrictions often came from the Home Office and Ministry of Labour, while the Colonial and Commonwealth Relations Offices pushed to limit restrictive policy.[290] That is not to say that the Colonial Office was not engaged in the informal methods of restricting migrants from the Empire and Commonwealth. Indeed, it was the Colonial Office that communicated with the Colonies themselves, including Jamacia in the wake of *Windrush* and India and Pakistan in the 1950s. Rather those in the Colonial and Commonwealth Relations Offices were more concerned with changing or challenging the legal status of British subjects.

In the latter half of the 1950s, for example, as officials from the Home Office and Labour and Housing ministries were increasingly in favour of restrictions, "Commonwealth and Colonial Office representatives who, fearing dangerous consequences to Commonwealth relations…advised, on the whole, delay and caution" in introducing legislation.[291] Facing increasing concerns about immigration, especially housing shortages in larger cities, the cabinet drafted immigration controls in 1955. This bill, though technically applying to all British subjects, from all Colonies and Commonwealth countries, was largely discretionary, which would allow for an unequal application that favoured Dominion immigration. The

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[289] Paul, *Whitewashing Britain*, 162.
[290] See for example: Hansen, *Citizenship and Immigration in Post-War Britain*, 100; Winder, *Bloody Foreigners*, 271; Welsh, "The Principle of the Thing"; Dean, "Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s," 178.
[291] Dean, "The Conservative Government and the 1961 Commonwealth Immigration Act," 58.

Commonwealth Relations Office was determined to not enact immigration control except as an absolute last resort.[292] Paul explains that, when cabinet was considering restrictive legislation in 1955, Alan Lennox-Boyd, Secretary of State for the Colonies under Churchill, Eden, and Macmillan, argued that allowing only "a specific class of subject" rights to enter the UK "would nullify the substance of the imperial British nationality."[293] As Dean describes, it was those mainly considering domestic concerns who favoured restrictions, and officials from the Colonial and Commonwealth Offices that fought for imperial linkages.[294]

Nativism and Imperial Obligation

The role of racism is undeniable in the history of Commonwealth immigration to the UK. Paul has put forward the position that the populous of Britain was largely in favour of "the liberal imperial ideal," and that it was political elites that "shaped the response given to migrating British subjects of colour."[295] It is likely that government officials contributed to the conceptualization of racism and immigration; Paul describes how public speeches implied "social danger while ignoring the reality of economic utility" brought by migrants from the Colonies.[296] However, downplaying and explaining away the daily racism, and in some cases larger outbreaks of violence, experienced by Black and South Asian colonial migrants at the hands of "ordinary UK residents," ignores the role of nativism in this period and reasons that

[292] Welsh, "The Principle of the Thing," 57.
[293] Paul, *Whitewashing Britain*, 144.
[294] Dean, "The Conservative Government and the 1961 Commonwealth Immigration Act," 57–58.
[295] Paul, "Communities of Britishness," 190–91. See also: Paul, *Whitewashing Britain*. Hansen's monograph specifically endeavours to challenge the "racialization" school established by Paul and others. His point is not the denounce racism as a contribution to immigration restrictions and the experiences of non-white British subjects in the UK, but rather to evaluate multiple factors, including imperial principles. Hansen, *Citizenship and Immigration in Post-War Britain*, 10–16.
[296] Paul, *Whitewashing Britain*, 139.

governments were principally unconcerned with the wider Empire and wholly devoted to domestic popular opinion.[297]

There were multiple acts of racially motivated violence in the post-war period; the most infamous are the 1958 riots in Nottingham and Notting Hill, but they were not the first.[298] Long before anyone was aware of the arrival of the *Empire Windrush*, there were some concerns about communities of South Asian British subjects living in the UK. In November 1947, the *Birmingham Gazette* published an article entitled, "Birmingham's Indian quarter should be cleaned up." The piece exposes and condemns practices by Indian landlords to charge exorbitantly high rents in overcrowded, unsuitable homes. There is some sympathy for "peace-loving Indians" who find themselves in this difficult situation, but the message was explicitly negative and called on government to intervene.[299] On May 17, 1948, violence erupted between white and Indian residents in Birmingham that resulted in the police arriving to protect and escort 6 Indians and 4 white women from the premises.[300] An editorial attached to the coverage of the events in May urged officials to take action, as had been called for by the *Birmingham Gazette* in November 1947: "All the seeds of racial hatred in its worst form are being sown there… Once again, we urge, "Clean it up.""[301] While this does not necessarily provide evidence of the repudiation of imperial ideals among the whole of the British public, it points to instances

[297] Paul, "Communities of Britishness," 191.
[298] Nottingham and Notting Hill also feature most prominently in the literature.
[299] "Birmingham's Indian Quarter Should Be Cleaned Up," *Birmingham Gazette*, November 3, 1947, British Newspaper Archive.
[300] A bus was required to shield the police and residents as mobs attempted to storm the transport van. It was reported that violence had erupted earlier in the day between white and Indian residents which lead to the police intervention. "Police Rescue White Girls and Indians," *Birmingham Gazette*, May 18, 1948, British Newspaper Archive.
[301] "The Indian Problem," *Birmingham Gazette*, May 18, 1948, British Newspaper Archive.

in which the reaction of white Britons to the presence of South Asians contradicted their legal status guaranteed by their subjecthood.

In addition to the violence and hate shown in Birmingham, there was a much larger incident targeting Black Britons that occurred in Liverpool a few months later. Multiple days of violence in August 1948 resulted in stabbings and other serious injuries, a police raid of Colsea House (a Colonial Office hostel and welfare centre), and about 50 arrests.[302] The following summer saw more violence between Black and white Britons, this time in Deptford in July 1949.[303] The area was home to many Black sailors, and the violent clash occurred between white men and Black men living in Carrington House, a London County Council lodging house. These outright acts of violence were occurring alongside less physical but nonetheless overt racism, like, for example, the turning away of the Tom Boatin, a West African lecturer, from a restaurant in London.[304]

These events clearly display the racism that colonial immigrants of colour faced in the UK. Though Paul asserts that racial violence seen in Birmingham in 1948 and Deptford in 1949 was not "the start of postwar popular hostility toward "New Commonwealth" immigrants, but rather the continuation of "communal contestation" seen in the years before, contemporary newspaper coverage explicitly identifies the underlying racism and concerns about growing non-

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[302] "32 Arrests in Liverpool Rioting," *The Scotsman*, August 3, 1948, British Newspaper Archive; "Fifty Held in Racial Riots," *News Chronicle*, August 3, 1948, British Newspaper Archive; "White v. Coloured 'Riot': Seven Men in Court," *The Coventry Evening Telegraph*, August 2, 1948, British Newspaper Archive; "Knifed Man in Port Riot," *Lincolnshire Echo*, August 2, 1948, British Newspaper Archive; "Rioting in Liverpool," *The Liverpool Echo*, August 2, 1948, British Newspaper Archive.

[303] Newspaper reports claim that 100 police officers were called out to stop the fighting, which lasted for about two hours, caused multiple injuries to both participants and police officers, and resulted in a number of arrests of Black and white men. "100 Police Called to Street Fight," *The Coventry Evening Telegraph*, July 19, 1949, British Newspaper Archive; "Street Battle," *Daily Herald*, July 19, 1949, British Newspaper Archive; "100 Police Called to Street Fight," *Belfast Telegraph*, July 19, 1949, British Newspaper Archive.

[304] See chapter 1.

white communities.[305] For example, after the violence in Birmingham, an unnamed local resident explained that "The Indians started to move in about six months ago…Now they are all over the place and people are calling Great Lister-street the 'Burma Road of Birmingham.'"[306] In Liverpool, the violence was written about in distinct racial terms, almost invariably described as some kind of race or racial riot.[307] And in 1949, a resident of Deptford complained about "Africans playing instruments and singing in their native tongue," into the early hours of the morning and stated "I am not prejudiced against the Africans because of their colour – but against the powers that allowed this state of affairs to come about."[308] Evident in these examples, therefore, are common concerns about encroachment of colonial migrants from the Commonwealth into white British communities.

In 1954, London resident Alan Jacobs wrote to *The Times* about conditions as a result of increasing Caribbean immigration. He described a "slowly deteriorating situation in which the normal colour prejudice of an uninformed public opinion is being aggravated in certain areas by enforced poverty," and unemployment.[309] Thus indicating the way that increasing immigration

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[305] Paul dismisses this kind of coverage as "sensationalist stories." Paul, *Whitewashing Britain*, 139. Paul does point to opinions in the *Daily Sketch* and *Economist* that argued for better treatment of migrants and to uphold the principles of the Commonwealth through free immigration. While there certainly was some public support for immigration from the Empire and Commonwealth, these articles cannot explain away the daily racism and violence perpetuated by some members of the British public.

[306] Concerns over white women being harassed or even engaging in relationships with Indian men was also present in Birmingham at the time. "Police Rescue."

[307] See for example: "White v. Coloured 'Riot'"; "Coloured, White Men 'Rioting,'" *Gloucestershire Echo*, August 2, 1948, British Newspaper Archive; "Fifty Held in Racial Riots"; "Whites v. Blacks in Liverpool," *Belfast Telegraph*, August 3, 1948, British Newspaper Archive; "Negro Gang in 'Serious' Race Riot," *The Daily Mail*, August 3, 1948, British Newspaper Archive; "Racial Riots: 58 People Remanded at Liverpool," *The Yorkshire Post*, August 4, 1948, British Newspaper Archive; "Police Will Throw in All to Stop Racial Riots," *Yorkshire Observer*, August 4, 1948, British Newspaper Archive; "Race Riots Sequel," *The Nottingham Evening Post*, August 10, 1948, British Newspaper Archive.

[308] Quoted in Christopher T. Husbands, *Racial Exclusionism and the City: The Urban Support of the National Front* (Routledge, 1983), 60. Husbands argues that the violence in 1949 foreshadows the "explicit racialist politics" that would develop in the Deptford area in the subsequent decades.

[309] Alan J. L. Jacobs, "West Indian Immigrants," *The Times*, May 8, 1954, sec. Letter to the Editor, The Times Digital Archive.

and visibility of migrants had pushed existing racism into increased nativism as Commonwealth immigrants are often unable to find employment "owing to the prejudice of employers and in some cases fellow workpeople."[310] He calls upon British officials to mitigate the problem, which in the long term could be remedied by reducing unemployment in the Caribbean and implementing training schemes to allow unskilled workers to gain valuable skills. In the short term, however, Jacobs argues there is a "need for some straight talking by authoritative voices on our moral obligations to fellow citizens of the Commonwealth."[311]

By the mid-1950s, there was no absolute consensus among the British public or officials, but clearly there was increasing pressure to limit the ability of Commonwealth immigrants to enter the country. The presence of a growing population of Black and Asian Commonwealth citizens in Britain contributed to an understanding of the Commonwealth as an increasingly domestic issue.[312] Catterall demonstrates that even the Labour Party, who under the leadership of Hugh Gaitskell tended to celebrate the emerging multi-racial Commonwealth, was forced to reckon with the increasing number of non-white Commonwealth immigrants.[313] Restrictions had been considered by Conservative cabinets as early as the mid-1950s, and though a bill was drafted in 1955, it was never presented to parliament. The Committee of Ministers prepared a report in June 1956 to discuss the current position on Commonwealth immigration restriction. The opinion was that "coloured immigration has become an ominous problem which cannot now

[310] Jacobs, "West Indian Immigrants."
[311] Jacobs, "West Indian Immigrants."
[312] Elizabeth Buettner, "'This Is Staffordshire Not Alabama': Racial Geographies of Commonwealth Immigration in Early 1960s Britain," *The Journal of Imperial and Commonwealth History* 42, no. 4 (2014): 711–12.
[313] Catterall, "The Plural Society," 836. The Conservatives were in power, under the leadership of multiple Prime Ministers for 13 years. Labour was the official opposition following Attlee's defeat in 1951 until they won the general election in 1964. Hugh Gaitskell died suddenly in January 1963, and was succeeded as leader of the Labour Party by Harold Wilson.

be ignored," however steps should not be taken at this time.[314] It was felt that "some form of control over coloured immigration will eventually be inescapable," but at the current time, threats to employment and housing are not great, public opinion does not seem in favour of restrictions, and the UK is receiving economic benefit from their presence in the labour force.[315]

Throughout the rest of the 1950s, Commonwealth immigration continued to appear on the Conservative cabinet agenda, but there was no movement from the cabinet in introducing legislation until after 1960. Conservative backbencher Cyril Osborne, however, pushed for immigration controls through the 1950s. Osborne, MP representing Louth from 1945 until his death in 1969, was an outspoken opponent of non-white immigration from the Commonwealth and pushed for restrictions. In January 1955 he published an inflammatory call for immigration control in the *Illustrated Leicester Chronicle* titled "Stop the Jamaicans!" One refrain in his diatribe was that the white Dominions had implemented immigration control, and the UK must follow suit in "self defence."[316] His article ended with this call to action:

> Before it is too late we must act. Otherwise old England will cease to be England. On economic, social and racial grounds we must do what the great Dominions have been compelled to do in self protection.
>
> It will be easier to stop these people from coming than to send them back, and before that horrible need arises we should act.[317]

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[314] The Lord President, the Marquess of Salisbury, recorded his dissent to the conclusions of the committee. He felt that postponing legislation would only make things worse and did not agree that the government would not "have a strong body of public opinion behind them if they acted now." Viscount Kilmuir, "Colonial Migrants, Report of the Committee of Ministers," 22 Jun, 1956, TNA CAB 129/81/45, 6-7.
[315] "Colonial Migrants," TNA CAB 129/81/45, 6.
[316] He asked "Why should England be the dumping ground for the Commonwealth?" Cyril Osborne, "Stop the Jamaicans!," *Illustrated Leicester Chronicle*, January 8, 1955, British Newspaper Archive.
[317] Osborne, "Stop the Jamaicans!"

Though specifically focused on the presence of Jamaican and Caribbean immigrants, Osborne did not necessarily see them as the most dangerous immigrant. At the time, Caribbean migrants were the most numerous, and Osborne saw their presence as a slippery slope to immigration from other areas of the Empire and Commonwealth. He singled out India, a place he described as over-populated, and claimed the country "could lose 50 million people and scarcely miss them…If we allow the Jamaicans to come why not the Indians?"[318] In the days following Osborne's article, the *Illustrated Leicester Chronicle* published responses from their readers, which varied greatly.[319] Some people vehemently and categorically disagreed with Osborne.[320] Others agreed that immigration was concerning, or that controls may be necessary, but were appalled with Osborne's racist rhetoric.[321] Of course, there were others who wholeheartedly agreed with Osborne.[322] Though a small sample, these articles shed some light on opinions at the time. Osborne's extreme comments were not necessarily widely held, or even accepted, but they were getting mainstream attention and there was at least some public support. More importantly though, there were some that, while they disagreed with some of Osborne's more provocative

[318] Osborne, "Stop the Jamaicans!"
[319] "Jamaican Issue: What Our Readers Think," *Illustrated Leicester Chronicle*, January 15, 1955, British Newspaper Archive; "Jamaican Issue," *Illustrated Leicester Chronicle*, January 22, 1955, British Newspaper Archive.
[320] White Brother, "No, Mr. Osborne, This Is a FREE Country!," *Illustrated Leicester Chronicle*, January 15, 1955, British Newspaper Archive; A West African Student, "W.I. Islanders on Verge of Starvation," *Illustrated Leicester Chronicle*, January 15, 1955, British Newspaper Archive.
[321] Brian Cawley, "Britain Is Already Overcrowded," *Illustrated Leicester Chronicle*, January 15, 1955, British Newspaper Archive; H.N.F., "'Dangerous Nonsense,'" *Illustrated Leicester Chronicle*, January 15, 1955, British Newspaper Archive; James Gray, "Fanning Flames of Race-Hatred," *Illustrated Leicester Chronicle*, January 15, 1955, British Newspaper Archive.
[322] "Look After Our Own Folk First," *Illustrated Leicester Chronicle*, January 22, 1955, British Newspaper Archive; F.E. Whitemore, "Immigration Check Is Sound Economics," *Illustrated Leicester Chronicle*, January 22, 1955, British Newspaper Archive.

rhetoric, did not disapprove of his underlying message. There was perhaps a growing consensus that uncontrolled immigration could pose a problem in the UK.[323]

Osborne pushed for immigration control in parliament throughout the 1950s and into the early 1960s. In November 1958, Osborne notified parliament that he would be introducing a motion about "the need to control immigration into the United Kingdom, irrespective of race, colour or creed."[324] Though he called for the legislation to be essentially colour-blind, Osborne was quick to acknowledge that it was the "coloured immigrant" that was spurring the need for controls.[325] David Renton, Joint Under-Secretary of State for the Home Department, explained that the Conservative government will not accept the motion and spoke about the significance of the Commonwealth and principles of free movement.[326] He concluded that "none of us in this House would tolerate any form of colour prejudice. We all agree that we are proud of our country's position as the centre of a multi-racial Commonwealth. Both the Government and…the Opposition Front Bench do not see the necessity for any general control of immigration."[327] Osborne continued to push the government about introducing deportation and immigration controls in June 1959, November 1959, July 1960, and November 1960.[328]

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[323] Of course, some identified that Jamaican immigration was spurred by poor living and employment conditions in the Caribbean, which they recognized as stemming from British colonialism. Nevertheless, as James Gray wrote, "No one with any knowledge of the facts will deny that the immigration of Jamaicans to this country constitutes a problem." Gray, "Fanning Flames of Race-Hatred."

[324] Cyril Osborne, "Immigration (Control)," 19 Nov, 1958, UK Parliamentary Debate, H.C., 5th ser., vol. 595 (1958), col. 1148.

[325] Cyril Osborne, "Immigration (Control)," 5 Dec, 1958, UK Parliamentary Debate, H.C., 5th ser., vol. 596, col. 1555. Spencer describes how unemployment was rising in Britain in 1958, however, "it was apparently only potential immigrants from the Caribbean and the Indian sub-continent who could positively affect the unemployment figures. No thought appears to have been given to stemming the more substantial flow of unskilled labour from other quarters, such as Eire." Spencer, *British Immigration Policy Since 1939,* 103.

[326] There were discussions, though, about whether the UK should introduce policy to allow the deportation of Commonwealth citizens who commit a crime in the UK. David Renton, "Immigration (Control)," 5 Dec, 1958, vol. 596, col. 1588. Discussions with other Commonwealth Governments were still underway a year later. R. A. Butler, "Immigration Control," 5 Nov, 1959, UK Parliamentary Debate, H.C., 5th ser., vol. 612 (1959), col. 1200.

[327] Renton, "Immigration (Control)," 5 Dec, 1958, vol. 596, col. 1588.

[328] Cyril Osborne, "Commonwealth Citizens (Crimes)," 11 Jun, 1959, UK Parliamentary Debate, H.C., 5th ser., vol. 606 (1959), col. 1168; Cyril Osborne, "Immigration Control," 5 Nov, 1959, vol. 612, col. 1200; Cyril Osborne,

In the summer of 1958, there were large outbreaks of racialized violence. Weeks of fighting between Black and white Britons erupted in Nottingham and Notting Hill in August and September. Clearly evident and reported as racialized violence in contemporary newspaper coverage, journalist Alan Travis describes how newly released records demonstrate that police downplayed the extent of the racist animosity at the time.[329] Growing nativism was apparent at this time, as white Britons participating in the incidents were sending a loud and clear message that non-white colonial migrants were unwelcome in their communities.[330] Nevertheless, those participating in the racial violence did not represent the entirety of the British population, and there were some who denounced the violence.[331] In the immediate aftermath of the violence, the response of Prime Minister Macmillan was to condemn the violence and reaffirm that all British subjects had the right to be in the UK without being attacked.[332] Despite some calls to introduce restrictive immigration legislation, it would still be a number of years before the Commonwealth Immigrants Act was passed. As Spencer argues, the direct causal link between these events of racial violence and the subsequent passing of legislation have been overstated.[333] However, the

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"West Indian Immigrants," 7 Jul, 1960, UK Parliamentary Debate, H.C., 5th ser., vol. 626 (1960), col. 688; Cyril Osborne, "Immigrants," 24 Nov, 1960, UK Parliamentary Debate, H.C., 5th ser., vol. 630 (1960), col. 1282. Norman Pannell, Conservative MP for Liverpool Kirkdale from 1955-1964, was also an outspoken backbencher calling for immigration restrictions. See for example: Norman Pannell, "West Indian Immigrants," 26 Jul, 1960, Parliamentary Debate, H.C., 5th ser., vol. 627 (1960), col. 112.

[329] Alan Travis, "After 44 Years Secret Papers Reveal Truth about Five Nights of Violence in Notting Hill," *The Guardian*, August 24, 2020, https://www.theguardian.com/uk/2002/aug/24/artsandhumanities.nottinghillcarnival2002.

[330] See for example: Travis, "After 44 Years"; Patel, *We're Here Because You Were There*, 70–72; Winder, *Bloody Foreigners*, 278–80; Holmes, *John Bull's Island*, 259.

[331] Including a number of newspapers that continued to support free immigration or suggested some changes to immigration policy that did not result in broad measures of control and restriction, like deportation, for example. Spencer, *British Immigration Policy Since 1939*, 99. Deportations would come to take a different meaning in the twenty-first century when the "Windrush Scandal" exposed threats, and in some actual cases of deportation of those who arrived as part of the "Windrush generation," who did not have the documentation required under new immigration law.

[332] Paul, *Whitewashing Britain*, 157.

[333] Spencer, *British Immigration Policy Since 1939*, 98–102.

events of 1958 were significant in the story of Commonwealth immigration control, and "the transformation of migration from a regional into a national issue."[334]

Considering post-war outbreaks of racialized violence in this way, thus places the events in Nottingham and Notting Hill in 1958 within the narrative of growing nativism in the UK.[335] Not only was this an example of racialized violence and animosity, but there was a clear connection with anti-immigration. Rather than seeing these as government attitudes coming to fruition in public opinion and behaviour, the incidents contribute to the tension between imperial obligation and principle and racial exclusion.[336] As mentioned above, at the time of the passing of the British Nationality Act in July 1948, British officials were generally unconcerned with non-white colonial immigration, which they did not foresee as a problem, and were more concerned with imperial obligation and their relationship with the white Dominions. The early acts of racial violence and the arrival of *Windrush* were concurrent with the Act. The purpose of analysing roots of racism in the British populous is not to poke holes in the argument of Paul and the "racialization" school, nor to categorize all Britons as racists.[337] Rather, it emphasizes that for much of the 1950s there could have been support for immigration restrictions, but the government chose to wait.[338] That is not to say that there were no Britons who supported the unrestricted movement of British subjects, either because of imperial sentiment or some other

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[334] Hansen, *Citizenship and Immigration in Post-War Britain*, 82. For example, Holmes describes how certain anti-immigration candidates won seats in the 1959 election, which contributed to placing immigration control on the national agenda. Holmes, *John Bull's Island*, 260.

[335] These events also must be understood within the global context of racism and civil rights, which will be explored more in the next chapter.

[336] Paul, *Whitewashing Britain*, 133. Moreover, in a review of the book, Stephen Brooke states that "most of what Paul uses as discourse comes from either Cabinet or civil service committees, none of whose discussions ever became public." Stephen Brooke, review of *Review of Whitewashing Britain: Race and Citizenship in the Postwar Era*, by Kathleen Paul, *Albion: A Quarterly Journal Concerned with British Studies* 30, no. 2 (1998): 388.

[337] As Panayi argues, though racism was present in the British public he cautions against "painting a picture of a blanket of racism," pointing to individual and regional factors that contributed to negative feelings towards non-white migrants. Panayi, *An Immigration History of Britain*, 238.

[338] Hansen, *Citizenship and Immigration in Post-War Britain*, 14.

reason. But the government's official commitment to the Empire through multiple administrations and in the face of domestic racial disturbances demonstrates the global significance of Empire, and mobility for all British subjects was a key component of this. It is only as decolonization progressed, which occurred through and alongside colonial immigration that the UK began to drop imperial obligations and turn more towards the nation.[339]

British Subjects without Citizenship

The 1948 British Nationality Act created six types of nationality status, five of which were within the sphere of British or imperial nationality.[340] The two most straightforward categories provided both British subjecthood and a legal citizenship designation. These included Citizenship of the UK and Colonies (CUKC), which applied to those living in the UK and those Colonies still under direct British rule, and Citizenship of an Independent Commonwealth Country (CICC), which applied to those in countries listed in section 1(3) of the Act with recognized local citizenship legislation.[341] The next two categories did not automatically confer British subjecthood but were still within the larger category of British nationality as they were not considered aliens. This included, first, the category of British Protected Persons (BPP), which applied to those in protectorates, protected states, and mandated or trust territories. BPPs could access consular protection and British passports, but were neither subjects, citizens, nor aliens.[342] The second category that did not automatically confer subjecthood was Irish citizenship; however, there were specific provisions to allow certain Irish citizens to retain their

[339] The UK also began to turn towards Europe as their most significant cultural, political, and economic connection. Their applications to the European Economic Community are discussed in chapter 3.
[340] The last category was aliens, which applied to foreigners not connected to the categories of British nationality.
[341] In 1948 this included: Canada, Australia, New Zealand, South Africa, Newfoundland, India, Pakistan, Southern Rhodesia, and Ceylon.
[342] For those outside the British Empire, there did not seem to be a distinction between BPPs and British subjects. This distinction was more significant within the Empire. Sara Cosemans, "Undesirable British East African Asians: Nationality, Statelessness, and Refugeehood after Empire," *Immigrants & Minorities*, 2021, 5–6.

subjecthood.[343] The fifth category, British Subject without Citizenship (BSWC), was designed to be a temporary and transitional status, covering the period between the passage of the Act and citizenship acts in independent Commonwealth countries.[344]

This transitional category of British Subject without Citizenship applies to those in Commonwealth countries identified in section 1(3) where a local citizenship act has not yet been passed at the commencement of this Act on January 1, 1949.[345] In the original 1948 Act, these countries include Canada, Australia, New Zealand, South Africa, Newfoundland, India, Pakistan, Southern Rhodesia, and Ceylon. When the Bill was under debate in parliament, only Canada had passed a local citizenship legislation and by July 1948, when the Act was passed and received Royal Assent, only Australia and New Zealand had officially notified the UK of their intention to pass local legislation.[346] Lawyer and constitutional legal scholar, Professor E. C. S. Wade, explained in 1948 that the category of BSWC was designed to protect the subjecthood of all those who may not have a clear citizenship status by the January 1, 1949 commencement of the Act.[347] Hansen argues that, though there is no official archival justification, it is very likely that BSWC was intended to "ensure that British settlers who found themselves without either United Kingdom of independent Commonwealth citizenship (because, for example, of a hostile African nation's actions) would remain British subjects with the right to return to the United

[343] The provisions were designed to make sure that those Irish citizens that were British subjects before the commencement of the Act would not lose their status as subjects by virtue of the Act commencing. They could write to retain their subjecthood if they could prove a connection to the UK through, for example, Crown service, holding a British passport, or through UK descent or residence. British Nationality Act 1948 (c. 56) s. 2(1).
[344] Gregory Rawlings, "Stateless Persons, Eligible Citizens and Protected Places: The British Nationality Act in Vanuatu," *Twentieth Century British History* 30, no. 1 (2019): 58.
[345] Intended to be just a temporary and transitional status, British subjects without citizenship received little attention in parliamentary debates over the Bill. Karatani, *Defining British Citizenship*, 116–17.
[346] E. C. S. Wade, "British Nationality Act, 1948," *Journal of Comparative Legislation and International Law* 30, no. 3/4 (1948): 69.
[347] Wade, "British Nationality Act, 1948," 69–70.

Kingdom."[348] Tensions between a desire to maintain universal subjecthood and concerns over the whiteness of British citizenship are seen in the years immediately following the passing of the British Nationality Act. In the original Act, both India and Pakistan were included in section 1(3), but the newly independent Commonwealth countries did not pass their own citizenship acts until the 1950s. This meant that all those living in in these countries were, upon the commencement of the British Nationality Act legally designated as BSWCs.[349]

One ceased to be a BSWC when they became either a CUKC, CICC, citizen of Ireland, or alien. The first two categories are the most significant in this case, and the transition away from being a BSWC was generally initiated by the enactment of local citizenship. The Act clearly states that a BSWC becomes a CUKC "on the day on which a citizenship law has taken effect in each of the countries mentioned in subsection (3) of section one of this Act of which he is potentially a citizen."[350] Also included in the Act is the procedure for officially recognizing local citizenship laws for those countries in section 1(3). After the passage of citizenship legislation, the Secretary of State would, at the request of that Commonwealth country, declare the legislation under section 32(8) of the British Nationality Act.[351] At that time, all those who qualify as citizens under the new local citizenship law would become citizens of that country under the British Nationality Act.[352] Assuming that independent Commonwealth countries

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[348] This comment hints at the racial categories that underlie this category. Hansen also argues that "it was not widely believed that the process of independence would leave large numbers of people stateless." Randall Hansen, "The Politics of Citizenship in 1940s Britain: The British Nationality Act," *Twentieth Century British History* 10, no. 1 (1999): 79. However, the categories of BPP and BSWC would be tested against international law as South Asians left, under varying levels of coercion, newly independent states in East Africa.
[349] The other country with a significant amount of BSWC was South Africa.
[350] British Nationality Act 1948 (c. 56) s. 13(2).
[351] British Nationality Act 1948 (c. 56) s. 32(8).
[352] The countries in question were independent and therefore the UK government did not have to recognize the citizenship legislation for it to come into effect in their country or receive international recognition. Rather, declaring local citizenship law under section 32(8) reconciled local citizenship with the British Nationality Act and the relationship between local and imperial subjecthood or citizenship.

implemented citizenship legislation that adhered to the common status, and was comprehensive enough to include the majority of their residents, not many would fall outside the new category of local citizenship.[353] The transition from BSWC to a local citizenship under the common status would only change one's citizenship designation since the common status required independent Commonwealth countries to also classify their citizens as British subjects or Commonwealth citizens. All those that would not qualify for local citizenship would then become CUKCs. Therefore, regardless of their new citizenship, BSWCs remained British subjects and thus new CUKCs and CICCs retained their right to migrate to the UK irrespective of their adoption of local or UK citizenship.[354]

In the case of India and Pakistan, the negotiations over citizenship and subjecthood were not as straightforward as many of the white settler Dominions identified in section 1(3). Historian Sarah Ansari emphasizes that though the universality of British subjecthood and citizenship articulated in the British Nationality Act avoided formal distinctions between European and non-European British subjects, race was an important consideration in the classification of British subjects and the reconciling of the Act with Indian and Pakistani citizenship. She demonstrates that the way British officials understood the relationship between race and British citizenship, and their desire to offload as many BSWCs to India and Pakistan, delayed their acceptance and recognition of early citizenship legislation out of those countries. An analysis of "the contested making of citizenship in post-1947 India and Pakistan," contributes to changing definitions and commitments to Commonwealth citizenship.[355] Exploring how

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[353] Sarah Ansari, "Subjects or Citizens? India, Pakistan and the 1948 British Nationality Act," *Journal of Imperial & Commonwealth History* 41, no. 2 (2013): 287.
[354] This, of course, is assuming that the local citizenship in question adhered to the common status and considered their citizens to also be British subjects or Commonwealth citizens. The ability for British subjects to freely migrate to the UK would not be formally restricted until the first Commonwealth Immigrants Act in 1962.
[355] Ansari, "Subjects or Citizens?," 286.

formerly colonized people from outside white-majority Commonwealth states asserted their statutory equality within the Commonwealth contributes to understandings of the developments of universal subjecthood, citizenship, and immigration rights in the Commonwealth in the second half of the 20th century.

The tumultuous aftermath of independence and Partition complicated the creation of citizenship legislation. India's 1950 Constitution contained a few clauses defining citizenship, but as this was not specific citizenship legislation, it was not recognized by the UK as such under section (32)8 of the British Nationality Act*;* Pakistan's early legislation in 1951 also went officially unrecognized.[356] Along with questions about the citizenship of displaced persons and refugees following Partition, these early articulations of local citizenship did not, to the British, adequately include South Asians around the world.[357] The South Asian diaspora had been a major factor in considering India's place in the Commonwealth and there were outspoken critics in India and the UK opposed to the unequal treatment and discrimination South Asians faced throughout the Commonwealth.[358] However, there was a difference between membership in the Commonwealth and imperial sphere, and being British.[359] As Ansari explains, British attitudes were bound by understandings of race and belonging that assumed those with "Indian or Pakistani origin… 'naturally' belonged to those countries."[360]

This tension between the categories of CUKCs, CCICs, and BSWCs, and perceptions of who belonged in each category is seen through the issue of passports to BSWCs in the early

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[356] Ansari, "Subjects or Citizens?," 287.
[357] Ansari, "Subjects or Citizens?," 287.
[358] See for example: Lall, *India's Missed Opportunity*; Tinker, *Separate and Unequal*; Rau, *India's Constitution in the Making*.
[359] Britishness, or belonging in the UK itself, though always connected to race and whiteness, became more racialized throughout the second half of the twentieth century. See, for example, Paul, *Whitewashing Britain*.
[360] Ansari, "Subjects or Citizens?," 287.

1950s. During this interim period between independence and approved citizenship legislations in India and Pakistan, the Foreign Office (FO) issued a series of notices instructing temporary policies on issuing passports to BSWCs. In April 1951, consular offices were told that all renewed and "new United Kingdom passports granted to British subjects without citizenship should be made valid only until the 30th June 1952."[361] In March 1952, Prime Minister Eden extended this date to the 30th of June 1953.[362] As there was still no official recognition of citizenship legislation by the new renewal date, Eden and the FO distributed further instructions in January 1953. The UK authorized consular offices to now offer yearly passport renewals to BSWCs.[363] This stopgap measure formally applied to all BSWCs, but the race of the applicant was a significant factor in the application of these renewal rules.

Concerns over discretion of the High Commissioners in Pakistan and India to issue and renew passports for BSWCs were discussed by British officials in the FO and Commonwealth Relations Office (CRO) in August 1953. A. F. Morley, from the CRO, wrote to W. H. Ford, of the FO, that Sir Gilbert Laithwaite, High Commissioner of Pakistan, requested greater discretion in granting British passports to BSWCs.[364] At that time, Ford replied that the renewal of BSWC passports was not a straightforward process, and there is likely some room for greater discretion, indeed in a small number of cases they have approved a full validity passport renewal. However, "there is difficulty in interpreting what we think should be the automatic provisions of the

[361] Anthony Eden, "Passport for British Subjects without Citizenship," 5 March, 1952, in "Issue of passports to British subjects without UK citizenship," TNA DO 35/6437.
[362] The notice also specified that the normal renewal fee should only apply if the passport was more than 5 ears old, and not for those issued to be valid until June 1952. Eden, "Passport for British Subjects without Citizenship," 5 March, 1952, TNA DO 35/6437.
[363] Fees should only be charged when the passport reaches the normal term of 5 years, and not with each yearly renewal. Anthony Eden, "Passports for British Subjects without Citizenship," 23 January, 1953, in "Issue of passports to British subjects without UK citizenship," TNA DO 35/6437.
[364] A. F. Morley, Minute 23, 6 August 1953, TNA DO 35/6437.

Pakistan Citizenship Act," and therefore uncertainty in the citizenship status of many applicants remains.[365] Additionally, Ford pointed out that since there is no "comprehensive citizenship law," yet enacted in India, it would be better to keep practice uniform across the subcontinent.[366] At the core of the issue, though, were concerns over the racial identity of applicants and the practice of issuing full or limited validity passport was uneven across racial lines.

The issue of discretion in issuing passports was raised again in October 1953. Morley wrote to H. Ward at the FO and explained that High Commissioners in India and Pakistan "mentioned their embarrassment which they have experienced in having to tell persons, who are British subjects without citizenship, that their instructions do not permit them to issue United Kingdom passports of full validity."[367] He continued that the European community has become aware of the practice of the passport office in London of granting passports of full validity to BSWCs. The decision to issue 5-year passports in London is based upon the understanding that those applying in the UK "have severed their connexion with the subcontinent," and will ultimately register as CUKCs.[368] Morley officially requested, on their behalf, greater discretion for the High Commissioners and assured Ward and the FO that this discretion would be used only in cases where the applicants are not, and not likely to become, citizens of India or Pakistan, and there exists a "definite connexion" with the UK.[369] This time, Ward raised no objection to greater discretion, citing the way the FO circular in 1951 used the admittedly vague phrase "as a general rule," which allowed for special circumstances such as these. More significantly, Ward explains that:

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[365] W. H. Ford, Minute 23, 7 August 1953, TNA DO 35/6437.
[366] W. H. Ford, Minute 23, 7 August 1953, TNA DO 35/6437.
[367] Morley also mentioned this was occurring in South Africa, but "to a lesser extent." A.F. Morley, "Letter to H. Ward," 6 October, 1953, 1, in "Issue of passports to British subjects without UK citizenship," TNA DO 35/6437.
[368] Morley, "Letter to H. Ward," 6 October, 1953, 2, TNA DO 35/6437.
[369] Morley, "Letter to H. Ward," 6 October, 1953, 4, TNA DO 35/6437.

> we could not very well be more specific because it seemed to us undesirable to say, in a circular which might come to the knowledge of the Indian and Pakistan authorities, that more favourable treatment could be accorded to a white British subject without citizenship than to a coloured one.[370]

D. W. H. Wickson of the CRO wrote to H. J. Grove in Calcutta about this issue and explained the FO position was that those born in India who are applying for passports in London are usually "white Europeans…of non-Indian race," who will become CUKCs and therefore are given passports without restriction as "it is impracticable to attempt to discriminate against the odd white British subject who still retains a connexion with India."[371] However, for those applying for British passports in India, there remains an assumption that the applicant will continue to reside in India and therefore the general rule of restricting passports should continue.[372]

In his letter, Ward also commented on concerns with issuing British passports to citizens of India and Pakistan. Morley had written that, should they be allowed to issue them, full validity passports would only be issued in cases where, among other factors, the applicants "are people to whom the Indians or Pakistanis would not grant passports."[373] Ward explained that Pakistani and Indian citizens who are unable or unwilling to obtain passports from Pakistan or India should not be issued these passports. He identified the major concern with this type of situation – a citizen

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[370] H. Ward, "Letter to Morley," 20 October, 1953, 1-2, in, "Issue of passports to British subjects without UK citizenship," TNA DO 35/6437.
[371] Wickson was quoting the reply received from the FO on the matter. D. W. H. Wickson, "Letter to Grove," 2 November, 1953, 1-2, in "Issue of passports to British subjects without UK citizenship," TNA DO 35/6437.
[372] Wickson, "Letter to Grove," 2 November, 1953, 2, TNA DO 35/6437. It is unclear why there is a discrepancy between the advice offered in this letter and the previous letter. They are written only about 10 days apart, so perhaps Wickson had not yet heard about Ward's letter. Wickson said the CRO had again approached the FO on the matter and was awaiting a reply.
[373] Morley, "Letter to H. Ward," 6 October, 1953, 4, TNA DO 35/6437.

of a Commonwealth country travelling on a British passport – as potentially making the UK responsible for any diplomatic or consular concerns for the traveller. [374] Written in the context of issuing British passports to Indian or Pakistani citizens, Ward explained the FO "view that the proper passport for a citizen of a Commonwealth country is a passport of that country," which of course makes sense.[375] However, under consideration is the greater discretion of issuing and renewing passports for BSWCs, not CICCs. Many BSWCs only remained in this transitional status because an official recognition of local citizenship under section 32(8) of the British Nationality Act would likely result in their becoming CUKCs – which the UK was trying to avoid. The "proper" passport for CUKCs would clearly be a British one, and BSWCs did not have another citizenship designation to access a passport. The way that the UK government attempted to make British passports inaccessible for BSWCs through limited validity, and indirectly through blocking their transition to CUKCs, demonstrates the way that British citizenship and belonging was seen through the lens of race.

Ultimately unhappy with the way that India and Pakistan legislated citizenship in the 1950s, the British government never recognized their citizenship acts under the British Nationality Act.[376] Of course diplomatically citizenship of India and Pakistan was recognized, but without declaring the acts through section 32(8), BSWCs remained in their transitional status. To increase access to UK citizenship for those of European descent, the British Nationality Act was amended in 1958, extending the deadline to apply for citizenship of the UK

[374] The FO "doubted whether the Indian (or Pakistan) representative would be willing to take up the cudgels on behalf of a person who was travelling on a United Kingdom passport issued by the United Kingdom High Commissioner in India (or Pakistan)." Additionally, a foreign country may question the ability of UK representatives to intervene on behalf of a citizen of another country, even if they were travelling on a British passport. Ward, "Letter to Morley," 20 October, 1953, 4, TNA DO 35/6437.
[375] Ward, "Letter to Morley," 20 October, 1953, 2, TNA DO 35/6437.
[376] Ansari, "Subjects or Citizens?," 299.

and Colonies by five years. This was specifically designed to protect those of European descent, mainly living in India and Pakistan, who had failed to register in time.[377] No such protection was available for those of Asian descent, leaving them technically stateless.[378] Commenting in 1948, Wade recognized "the possibility that the status of British subject without citizenship may continue indefinitely."[379] In choosing not to give effect to Indian and Pakistani citizenship acts under section 32(8) of the British Nationality Act, the category of BSWC continues to this day.[380]

Until 1962, the right to immigrate to the UK was derived through one's status as a British subject. Therefore, in terms of immigration, it was functionally the same for CUKCs and CICCs, so in that way it did not matter whether a BSWC in India or Pakistan became a citizen of the UK, India, or Pakistan.[381] Even so, the way that BSWCs were restricted from accessing full validity passports and citizenship designations can be understood in the context of unofficial restrictions placed upon non-white British subjects in the post-war period.[382] Preventing non-white BSWCs from receiving full validity passports and refusing to give effect to Indian and Pakistani citizenship legislation under the British Nationality Act are measures that overlap with the formal legal sphere more than, for example, the discouragement campaigns following the arrival

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[377] Paul, *Whitewashing Britain*, 151.
[378] Paul, *Whitewashing Britain*, 151.
[379] Wade, "British Nationality Act, 1948," 70.
[380] Those BSWCs (who did not become UK or local citizens) born before January 1, 1949 and connected to India or Pakistan were only redefined as British subjects in the 1981 British Nationality Act. UK Home Office, "Historical Background Information on Nationality," July 21, 2017, 13, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/650994/Background-information-on-nationality-v1.0EXT.pdf. Today, status as a British subject is uncommon, but this category still persists. British subjects are entitled to British passports and UK consular protection, but are subject to immigration controls and are not considered by the EU to be UK nationals. "Types of British Nationality," GOV.UK, accessed May 10, 2022, https://www.gov.uk/types-of-british-nationality/british-subject.
[381] Even so, it was, and became, easier for white Europeans to obtain British citizenship and enjoy its privileges. Ansari, "Subjects or Citizens?," 305.
[382] Though restrictive immigration legislation was not implemented in the UK until 1962, it had been considered throughout the 1950s. It is probable that officials recognized it would be easier to potentially restrict those with a non-UK citizenship designation in any future legislation.

of the *Empire Windrush*. But still, the UK never implemented official policy against non-white colonial and post-colonial migrants, and thus did not officially challenge principles of universal British subjecthood. Even so, Paul describes how choosing to expand citizenship availability to Europeans in Asia and not to stateless South Asians, illustrated "the competing communities of Britishness within Britain…sharpening the divide between separate spheres of nationality."[383]

Conclusion

The years immediately following the Second World War were characterized by a sincere commitment to the Commonwealth by the UK. This was based upon the real and perceived benefits of global stature and the close relationship between the UK and the Dominions. A desire to keep borders between the UK and Dominions open kept the post-war Conservative governments from implementing any kind of broad Commonwealth immigration controls.[384] It was considered impossible to restrict only non-white British subjects.[385] Therefore, "In the context of selective anti-racism, increasing New Commonwealth or colonial migration was tolerated in the name of the Old Commonwealth."[386] This was partly a priority of the UK government because there was a shared heritage, nationality, and culture that the British wanted to uphold: they felt an obligation and desire to maintain their connection to the white areas of the Empire. However, imperial obligation and duty extended to the Colonies and the UK was unwilling to formally and legally challenge both the universal application and the legal rights guaranteed through British subjecthood.

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[383] Paul, *Whitewashing Britain*, 151.
[384] Dean, "Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s," 174.
[385] This was especially significant when considering those who held citizenship of the UK and Colonies, the same status as white Britons.
[386] Hansen, *Citizenship and Immigration in Post-War Britain*, 64.

The Commonwealth was based on a commitment to racial equality, even though this was frequently ignored in practical application.[387] Hansen explains that the tension between the principles espoused in the 1948 British Nationality Act and the desire to keep out non-white British subjects "amounted to the claim that the right of free entry for Commonwealth citizens of colour was only applicable at a time when they lacked the capacity to exercise it."[388] However, much small numbers of wealthier non-white Commonwealth migrants had not upset the status quo the way post-war migration did. The increasing numbers, visibility, and of course class of Commonwealth migrants contributed to the growing restrictions after 1945. This is evident through the way that Jamaica recorded the level of skill of migrating labourers and how India attempted to reduce lower class migrants through passport control. In 1948, the tension between universality and the undesirability of certain migrants was not considered significant. Since British officials did not foresee the shifts in Commonwealth immigration in the late 1940s and 1950s, they were confident that they could maintain both their official commitment to universal British subjecthood and the Commonwealth, while not experiencing colonial migration like the Dominions. Therefore, though it is now clear the British Nationality Act established the foundation for today's multicultural Britian, at the time "in no way was the 1948 Act a move towards a post-imperial Britian."[389]

By the late 1950s, there were more South Asians arriving in the UK than Caribbean migrants. Moreover, citizenship policies in India and Pakistan created more potential British citizens of South Asian descent than the UK was willing to accept. Alongside the increasing development of decolonization throughout the later 1950s and early 1960s, the growing real and

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[387] Lloyd, "Britain and the Transformation," 341.
[388] Hansen, *Citizenship and Immigration in Post-War Britain*, 78.
[389] Patel, *We're Here Because You Were There*, 60.

potential existence of South Asian British citizens contributed to the first legislative control enacted against Commonwealth citizens, and thus "a psychological barrier had been crossed."[390] Maxwell identified a "change in the psychological approach" of nationality in 1946.[391] With legislation in 1962, the UK was finally adjusting to the local, rather than imperial, nationality that began with the *Canadian Citizenship Act.* Additionally, the Colonial and Commonwealth Relations Offices were losing their ability to influence and deter immigration policy. Britain would pass three immigration acts, two of which explicitly aimed at Commonwealth immigration, over the course of a decade. During this time, the events of independence in East Africa resulted in the exodus and expulsion of South Asians. Their liminal position as CUKCs residing within independent Commonwealth countries resulted in explicit challenges to Britain's attempt to extricate itself from Empire and its legal obligation toward British subjects. But the inherently imperial, rather than national, approach to citizenship (and subjecthood) in the UK established in 1948 meant that it was not straightforward to determine who belonged. Rather, the negotiation of British nationality in the 1960s and 1970s was part of a global process that included Commonwealth countries around the world.

[390] Hansen, *Citizenship and Immigration in Post-War Britain*, 26.
[391] "Meeting of the Prime Ministers Committee of Officials on Nationality Questions," 30 May, 1946, 2, TNA CAB 21/1755.

Chapter 3

"no more than the husk of citizenship": Restricting Commonwealth Immigrants, 1960-1968

The period from the end of the Second World War until the early 1960s saw significant changes in the Commonwealth. In early definitions of the British Commonwealth, the Balfour Declaration stated that the "British Empire is not founded upon negations. It depends…on positive ideals…Peace, security, and progress are among its objects."[392] It recognized the sovereignty of the white Dominions and emphasized imperial connections. Immigration and the movement of British subjects around the Empire has always been an inherent and essential part of the Commonwealth. Patel argues that white British emigration created a "British Commonwealth of Nations," but it was South Asian immigrants, present in British Colonies around the world, that "had made it an empire that included 'plural societies,' stimulating British imperial theories of how to manage what were seen as fundamental racial or developmental differences."[393] He suggests that "changes in the British empire were intimately connected to the evolution of imperial migration."[394]

Nehru's negotiations for Indian membership in the Commonwealth resulted in fundamental changes to the organization. The 1949 London Declaration officially dropped the term "British" from the Commonwealth of Nations and allowed for the membership of republics.[395] These events also recognized the value of South Asia and South Asians to the

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[392] Balfour, "Imperial Conference: Report of Inter-Imperial Relations Committee," 431.
[393] Patel, *We're Here Because You Were There,* 53.
[394] Patel, *We're Here Because You Were There,* 53.
[395] Technically India and Pakistan became members of the Commonwealth on August 15, 1947, when they officially transitioned to Dominions. However, there is great significance in recognizing India's continued membership following 1949 as this was a choice, rather than a stage in the development of independence.

Commonwealth. Though still operating under assumptions of racial hierarchies, India was able to create change in an organization formally based upon equality of members and establish the Commonwealth as a multi-racial organization.[396] In 1949, the members reiterated that they came freely to the Commonwealth to work "in the pursuit of peace, liberty and progress."[397]

Race and racial equality were important considerations for the Commonwealth beginning before India's negotiated membership in 1949.[398] Some historians have argued that racial equality was an implicit ideal of the Commonwealth dating back to 1920s, though the matter was "somewhat lacking" in practice.[399] Others have taken the language of equality in early iterations of Commonwealth principles to speak to political relationships among members, and understandings of racial equality are "a contemporary manifestation of the foundation doctrine of the Commonwealth."[400] The Commonwealth did not make an official declaration about racial equality until the early 1970s.[401] Nevertheless, the issue had been on the Commonwealth agenda long before then. At the 1950 Commonwealth Parliamentary Conference in New Zealand, G.G.

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[396] This is not to say that Indians or South Asians were now immune to racial hierarchies, but that greater steps towards equality were taken by non-white British subjects. Hugh Tinker describes the changes to British nationality and the Commonwealth in the late 1940s as a time where "India and the Indians in the Commonwealth, had achieved a moment of equality. The imperial relationship of the past had been transformed. India had persuaded Britian to listen and act upon her advice." Tinker, *Separate and Unequal*, 394.

[397] Commonwealth of Nations, "London Declaration," April 26, 1949.

[398] For example, much of the discussions concerning India's proposed membership after their becoming a republic was centred around better treatment for Indians across the Commonwealth.

[399] Lloyd, "Britain and the Transformation," 341.

[400] W. David McIntyre, *The Significance of the Commonwealth, 1965-90* (London: Macmillan Press, 1991), 87.

[401] The first Commonwealth declaration against racial discrimination was the 1971 Declaration of Commonwealth Principles, also called the Singapore Declaration. In this declaration, the Commonwealth called racial prejudice "a dangerous sickness threatening the healthy development of the human race," and recognized "racial discrimination as an unmitigated evil of society." They stated they "oppose all forms of colonial domination and racial oppression and are committed to the principles of human dignity and equality…[they will] foster human equality and dignity everywhere, and…further the principles of self-determination and non-racialism." This declaration also reiterated their position to help "developing nations" raise their standards of living and contribute to economic and social growth. Ultimately, they declared the intentions of the organization to facilitate global cooperation, end racial discrimination, help raise global standards of living, and promote international peace. Commonwealth of Nations, "The Declaration of Commonwealth Principles," 1971. The second declaration against racial discrimination came before the end of the decade when the Commonwealth presented the Lusaka Declaration on Racism and Racial Prejudice in Zambia in 1979.

Ponnambalam, representative from Ceylon, called upon the organization to "reach a common understanding on the racial question," and try to bring white and non-white members together into a more mutually agreeable Commonwealth family.[402] More than a decade later, at the 1964 Meeting of Commonwealth Prime Ministers in London, Commonwealth leaders identified race relations as one of the most important issues of the day and that "the Commonwealth has a particular role to play in the search for solutions to the inter-racial problems which are threatening the orderly development of mankind in general and of many particular areas in the world."[403] Of course, principles of universal subjecthood could co-exist within imperial racial hierarchies very easily, so long as there were no formal restrictions on people of colour from the Colonies.

Decolonization, the Decline of Empire, and the Commonwealth

Goals of racial equality were explicitly tied to decolonization, understood through a commitment to eventual self-government for the Colonies and membership in the Commonwealth as an equal and independent country. With India's continued membership in 1949, the organization transitioned "into something like a multiracial association of free nations."[404] However, non-white Colonies, especially those in Central and East Africa, were not considered ready for independence.[405] Indeed, even the Labour Party, who tended to promote

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[402] "Over-Population in Britain Matter of Opinion," *Gisborne Herald*, December 2, 1950.
[403] Commonwealth Secretariat, "Meeting of Commonwealth Prime Ministers 1964 (London 8-15 July)," in *The Commonwealth at the Summit: Communiques of Commonwealth Heads of Government Meetings 1944-1986* (Marlborough House London, 1987), 83.
[404] This of course does not mean there was no racial discrimination in the Commonwealth. Catterall, "The Plural Society," 832. For more on the changes to the Commonwealth in the late 1940s-1950s, especially India's role, see, for example: Lloyd, "Britain and the Transformation"; Brecher, "India's Decision," 62–90; Harshan Kumarasingham, "The 'New Commonwealth' 1947 – 49: A New Zealand Perspective on India Joining the Commonwealth," *The Round Table* 95, no. 385 (July 2006): 441–54; Sunil Purushotham, "Jawaharlal Nehru, Indian Republicanism, and the Commonwealth," in *Commonwealth History in the Twenty-First Century*, ed. Saul Dubow and Richard Drayton (ebook: Palgrave Macmillan, 2020), 143–59.
[405] Part of this can be contributed to the phenomenon of the "rule of colonial difference," described by Chatterjee. Chatterjee, *The Nation and Its Fragments*.

paths to colonial independence, deemed colonial oversight necessary to avoid racial inequality and ensure democracy.[406]

Since subjecthood, free movement, and the Commonwealth were predicated on principles of imperial unity and duty, "The narrowing of citizenship rights from the whole Empire to Britain essentially followed the demise of imperialism."[407] Many place the beginning of the decline of Britain's empire in the 1950s. While aspects and legacies of colonialism still persist today, during the post-war period the kind of direct rule employed by the British in their imperial heyday transitioned away from traditional colonialism and imperialism. There were many factors in the 1950s through to the 1970s that contributed to an overall decline in Empire and the Commonwealth. This includes actions and events in the global arena and domestic matters within the UK, many of which overlap. Many of these factors both helped to initiate and fulfill imperial decline. This circular nature is evident changes to Commonwealth immigration: restrictions on immigrating British subjects were only possible due to weaking of imperial links and obligation and in turn, actions to restrict the entry of British subjects contributed to the decline of Empire and the weakening of Commonwealth relationships.

Internationally, the UK did not maintain the position of global prestige and international influence in the decades after the Second World War that it had strived for. In an increasingly bi-polarized world order emerging in the 1950s, the UK was not the ultimate Western superpower

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[406] Also relevant is the fear of Communism spreading to the Global South and especially in Africa which contributed to the UK wanting to maintain colonial rule until a suitable democratic regime was in place. Catterall, "The Plural Society," 833. Especially in East Africa, the British were also hesitant to grant independence due to poor race relations. Colonial hierarchies had placed African majority populations at the bottom of a racial hierarchy, usually made up of Britons or Europeans on the top, South Asians in the middle, and Africans at the bottom. There were concerns about how various communities would fit into the economic and political spheres of independent, African-majority ruled countries. This is seen, for example, in the case of Kenya where British colonial officials decided continued colonial rule was necessary to establish a multi-racial society, as Africans were not yet ready to govern themselves appropriately. Patel, *We're Here Because You Were There*, 48–49.

[407] Panayi, *An Immigration History of Britain*, 213.

they had wished to be. It became clear that the United States was a necessary partner for Commonwealth countries.[408] Within this backdrop of the Cold War, waves of mass anti-colonial pressure, and resulting outbreaks of violence between the British and those fighting for independence, defined this period for the British Empire. In the decade between 1950 and 1970, more than thirty former British Colonies achieved independence, including many in Africa. One of the most famous events of the period was the violent conflict in Egypt over control of the Suez Canal in 1956. The Suez Crisis resulted in a loss of British influence in the Middle East, tensions with the US, and ultimately with an organized withdrawal of British, French, and Israeli troops by United Nations Peacekeepers.[409]

Great changes to colonial rule in other parts of Africa occurred throughout the 1950s and 1960s. For example, in 1952 violent outbreaks between the British colonial state and anti-colonial Kenyan rebels called the Mau Mau resulted in guerilla warfare, thousands of casualties, and a state of emergency that remained for eight years.[410] Following WWII, Kenya provided "a challenging test-case in imperial claims to the benevolence of racial management."[411] There were significant populations of white British and South Asian settlers in Kenya at the time, and anti-colonial violence enacted by Africans was seen by officials as a threat to a functioning multi-

[408] Canada had a long relationship with the US because of their geography. However, there was an extension of US power to other areas of the Commonwealth in the 1950s and 1960s. For example, the security treaty between Australia, New Zealand, and the US (ANZUS) meant the US "effectively replaced Britain as the primary protector of Australian and New Zealand waters." Kathleen Paul, "Communities of Britishness," 193.
[409] This was the first deployment of UN Peacekeepers, which had been suggested by Canadian Secretary of State for External Affairs, and later Prime Minister, Lester B. Pearson. This shows that the UK actions not only lacked support from the United States, United Nations, but also from Canada, their ally and important member of the Old Commonwealth. Unpopularity and scandal at home as a result of the actions taken in Egypt also resulted in Anthony Eden's resignation as Prime Minister. This came less than 2 years after Eden came to power with a record-breaking Conservative majority.
[410] The Mau Mau was made up primarily of Kikuyu and their main demand was the return of ancestral land in the Kenyan highlands. Aiyar, *Indians in Kenya*, 177–78.
[411] Patel, *We're Here Because You Were There*, 49.

racial state.[412] Patel argues that "Kenya Colony's mixture of South Asians, Europeans and Africans was a symptom of Empire; yet this multiracial situation now became the rationale for the continuation," of colonial rule there.[413] However, by the early 1960s, the timeline for independence in Africa was altered as the continent saw growing nationalism and anti-colonialism.

In January 1960, Conservative Prime Minister Harold Macmillan left for a tour of Africa, visiting Ghana, Nigeria, the Federation of Rhodesia and Nyasaland, and South Africa.[414] In each country or colony he delivered a speech commenting on the UK's relationship with each nation and the growing movements of African nationalism. His phrase, "wind of change," which was used in two of the four speeches, has come to represent a break in colonial policy in Africa at this time, referencing the calls for independence across the continent. Speaking about growing African nationalism, Macmillan told the South African Parliament on February 3, 1960 that,

> the most striking of all the impressions I have formed since I left London a month ago is the strength of this African national consciousness. In different places it takes different forms but it is happening everywhere. The wind of change is blowing through this continent and, whether we like it or not, this growth of national consciousness is a political fact. We must all accept it as a fact, and our national policies must take account of it.[415]

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[412] Indians living in Kenya "occupied a space between rebel and loyalist, simultaneously involved in supporting and suppressing the Mau Mau." Aiyar, *Indians in Kenya*, 181.
[413] Patel, *We're Here Because You Were There*, 49.
[414] The Federation of Rhodesia and Nyasaland was a short-lived federation of Southern Rhodesia, and the protectorates of Northern Rhodesia and Nyasaland. The areas are now independent Zimbabwe, Zambia, and Malawi, respectively.
[415] "Address by the Right Hon. Harold Macmillan, M.P., to Members of both Houses of the Parliament of the Union of South Africa, Cape Town, 3rd February, 1960," 155, in "Prime Minister's African Tour January-February, 1960," 12 April, 1960, TNA CAB 129/101/16.

British policy was to eventually transition the Colonies to self-rule. However, it was understood that in non-white Colonies this would be a long process that required significant British intervention to ensure a transition to a liberal democratic system.[416]

In an earlier speech in Accra, Ghana, Macmillan explained that though independence was sweeping across the continent, this was more acceptable areas in West Africa as these Colonies did not have large populations of Europeans, South Asians, and Africans living together. In other areas of Africa, "the problem of race relations is more difficult and complex," though still "the essential problem is one of nation-building."[417] Next, in the Federation of Rhodesia and Nyasaland, Macmillan again recognized that African nationalism was growing, and colonial policies must shift to address it. However, in addressing the future of the Colony, Macmillan emphasized the responsibility of the British government to ensure a strong democracy before a Colony can be granted independence; before the transfer of power there must be cooperation between Europeans, South Asians, and Africans. He explained that,

> throughout our Commonwealth story we have done much more than create communities which can stand on their own economic feet. We have always proceeded on the basis that in the countries of their birth all men should have political rights and carry political responsibilities.[418]

The growing nationalism across the continent meant that the British had to facilitate independence faster than their original plan. This was the case, even in those Colonies that were

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[416] Particularly in the context of the Cold War, it was important that Colonies, especially those at rick of Communist influence, transitioned to a Western Capitalist system and remained unconnected to Communist countries.
[417] "Text of Speech Delivered by Mr. Macmillan at the State Banquet in Accra on Saturday, 9th January, 1960," 26, in "Prime Minister's African Tour January-February, 1960," 12 April, 1960, TNA CAB 129/101/16.
[418] "Address by the Rt. Hon. Harold Macmillan, M.P., to the Rhodesia National Affairs Association: Salisbury, 19th January, 1960," 123, in "Prime Minister's African Tour January-February, 1960," 12 April, 1960, TNA CAB 129/101/16.

deemed to not be ready for independent self-rule. For example, around the same time Macmillan was touring Africa, there were meetings attended by European, African, and South Asian Kenyan representatives and the Colonial Office to discuss constitutional changes in the Colony.[419] In responding to political realities in Africa, Macmillan and the British colonial state were forced to acknowledge that "Great Britian is no longer the ruler of a great colonial empire."[420]

In lieu of this "great colonial empire," Macmillan highlighted the importance of the Commonwealth. Commonwealth strength and unity became a theme of the 1960 African tour. The official report of the tour explained that there was "enthusiastic support" for the Commonwealth in public speeches, and "even in those countries of Africa which are most deeply perplexed by the racial problem, the Commonwealth concept still seems to have a strong emotional appeal."[421] The last country visited on the tour was South Africa, one of the original members of the Commonwealth. In 1960, South Africa was led by the National Party and their policies of racial segregation had been in place for more than a decade. Thus, the "wind of change" speech given in Cape Town also addressed apartheid. Speaking to the South African Parliament, Macmillan made it clear that their racial policies had gone too far, and that South Africa could no longer rely on the UK for international support. Language of the Commonwealth was invoked throughout the speech, and even in the face of criticizing their domestic policies,

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[419] Aiyar, *Indians in Kenya*, 232.
[420] "Text of Speech delivered by Mr. Macmillan in the House of Representatives, Nigeria, on Wednesday, 13th January, 1960," 56, in "Prime Minister's African Tour January-February, 1960," 12 April, 1960, TNA CAB 129/101/16.
[421] "Prime Minister's African Tour January-February, 1960," 4, 12 April, 1960, TNA CAB 129/101/16.

Macmillan emphasized the importance of the relationship between the two countries and the Commonwealth.[422]

The issue of treatment of South Asians throughout the Commonwealth had posed challenges to the organization and Commonwealth unity for decades. However, South Africa's policies of apartheid posed an especially difficult challenge. Unhappy with a lack of action by the Commonwealth in the late 1940s, India brought issues of South Africa's treatment of South Asians in their country to the United Nations. This was a break in Commonwealth procedure and put intra-Commonwealth issues on display on the world stage.[423] In 1947, South Africa retained the support of the white countries of the Commonwealth, and resolutions brought by India were not passed. In 1949, riots in Durban resulted in the death of over 100 Africans and South Asians.[424] When the issue of South Africa came up again for review at the UN, South African Foreign Minister, Eric Louw argued that this was a domestic concern outside the purview of the UN. Voting on this matter, the white Commonwealth abstained, and a resolution for a round

[422] Though Macmillan did explicitly state his country's condemnation of South Africa's racial policies, the speech was peppered with comments that weakened this position and emphasized British support for South Africa overall. For example, he said that in pushing for more racial equality, "it shall sometimes make difficulties for you. If this proves to be so we shall regret it." He also spoke out against the proposed boycott of South African goods in Britian, because "It has never been the practice…of any Governemnt of the United Kingdom of whatever complexion to undertake or support campaigns of this kind designed to influence the internal politics of another Commonwealth country, and my colleagues in the United Kingdom deplore this proposed boycott and regard it as undesirable…It can only have serious effects on Commonwealth relations." "Address by the Right Hon. Harold Macmillan, Union of South Africa," 156-158, TNA CAB 129/101/16. Returning from his trip, Macmillan told cabinet that though "we could not endorse that policy [apartheid], we must remember that it was their responsibility not ours. It would be a tragedy if South Africa's links with the Commonwealth were weakened by reason of difference of opinion on that question." Cabinet Meeting Conclusions, 16 February, 1960, TNA CAB 128/34/9, 3. For more on the speech and South Africa, see, for example: Saul Dubow, "Macmillan, Verwoerd, and the 1960 'Wind of Change' Speech," *The Historical Journal* 54, no. 4 (2011): 1087–1114.

[423] Lloyd, "Britain and the Transformation," 345.

[424] The official line was that Africans attacked South Asian individuals, homes, and businesses due to anger at South Asian economic dominance. However, African and South Asian leaders argued that the real cause of the violence were the poor living conditions and the "growing atmosphere of repression." The two communities came together to form a joint council of the African National Congress and South African India Congress to promote cooperation between the two groups. Tinker, *Separate and Unequal*, 324.

table conference was passed.[425] Public criticism of South Africa's policies would not come from the UK until 1960.[426] The following year, South Africa became a republic and left the Commonwealth.[427]

Becoming Commonwealth Immigrants

As demonstrated through shifts in Empire, this period must be understood in a global context. Even domestic policies implemented by the UK were enacted within this larger context. Of course, the Empire, including current and former Colonies and the Commonwealth, were integral to the history of the UK at this time. The geopolitical framework of the Cold War meant that Europe and the United States were also important considerations for the UK and influenced policies as the UK navigated an increasingly globalized world, especially when it came to race relations and the emerging European Economic Community (EEC). At the same time, UK policies, especially immigration policies, had global implications. Nevertheless, since UK immigration legislation is ultimately domestic, British public opinion and national politics must also be considered.

Immigration restrictions directed at British subjects were not the first immigration restrictions implemented in the UK. Panayi argues that the watershed legislation was the 1905 Aliens Act, which "set a precedent…to control undesirable migratory movements."[428] However,

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[425] Tinker, *Separate and Unequal*, 324–235.
[426] James Mayall, ed., *The Contemporary Commonwealth: An Assessment 1965-2009* (London: Routledge, 2010), 12.
[427] South Africa would not have been barred from Commonwealth membership on the grounds of their new constitution, the decision to allow republics membership in the Commonwealth was decided in 1949. However, facing significant resistance from existing members due to apartheid, and South Africa's leaders' unwillingness to alter their policies, South Africa withdrew their bid for membership as a republic. Macmillan and Hugh Gaitskell, Leader of the Labour Party, though firm in the decision to condemn South Africa's apartheid policies, still lamented the loss of a member in the Commonwealth and the loss of historical links between South Africa, Britian, and the Commonwealth. "Union of South Africa (Withdrawal From Commonwealth)," 22 Mar, 1961, UK Parliamentary Debate, H.C., 5th ser., vol. 637 (1961). South Africa rejoined the Commonwealth in 1994.
[428] Panayi, *An Immigration History of Britain*, 213.

before significant restrictions could be made against Commonwealth immigrants, they had to be transformed from British subjects into Commonwealth immigrants. As perceptions of British nationality and Commonwealth citizenship changed over time, so too did the terminology. As Patel describes, the category of immigrant denotes that someone does not belong; immigration is inextricably linked to race and to "ideas about who is and who is not native to the nation – or, in Britain's case after 1945, native to the imperial heartland."[429] In newspaper coverage of the arrival of the *Empire Windrush,* for example, the migrants arriving are usually called "West Indians" or "Jamaicans," and often identified as "job seekers," or "ex-servicemen." Significantly, though they were not usually called British subjects as an identifier or descriptor in the newspaper articles, the media frequently reported on their status as British subjects, often quoting government officials and politicians. Similarly, in coverage of race-based violence in the late 1940s, newspaper coverage did not call non-white British subjects "immigrants." Instead, in coverage of these events described people by their race, often using words like "Indians," or "coloured," and sometimes "Black."[430] It is important to note that immigration was not wholly absent, for example a Birmingham resident described how South Asians "started to moved in about six months ago."[431] However, it was mainly race and concerns about social harmony, employment, and housing that was used to describe the violence; the relationship between non-white British subjects and the UK was not yet defined by "immigration."

[429] Patel, *We're Here Because You Were There*, 2.
[430] See for example: "Birmingham's Indian Quarter Should Be Cleaned Up," *Birmingham Gazette*, November 3, 1947, British Newspaper Archive; "P.C. Stabbed in Riot Area," *News Chronicle*, August 7, 1948, British Newspaper Archive; "Whites v. Blacks in Liverpool," *Belfast Telegraph*, August 3, 1948, British Newspaper Archive.
[431] "Police Rescue White Girls and Indians," *Birmingham Gazette*, May 18, 1948, British Newspaper Archive.

Ten years later, in coverage of the racial violence in 1958, immigration was a much larger part of the conversation.[432] This was not an absolute break with previous coverage. For example, people were still often referred to an identified to by their race or national background in reporting of these events; indeed, there were some articles that did not refer at all to immigration at all.[433] However, the connection to immigration was made explicit in much of this coverage, something that was not as common in earlier media coverage of racial violence. Even in articles where people were not referred or identified with the language of immigration, the events were understood within the conversation of immigration restriction.[434] This language shift was solidified, though, by the common use of the word "immigrant" when referring to non-white British subjects living in the UK.[435] As Paul explains, the shift from British subject to Commonwealth immigrant altered their claim to belonging in two important ways. In the shift from British to Commonwealth they "lost their most immediate connection with residents of the United Kingdom," and using the term immigrant, rather than subject took away "their right to be in Britain."[436]

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[432] Paul describes how this linguistic shift originated from the UK government. Paul, "Communities of Britishness," 191.
[433] These articles tended to focus on the violence itself, charges, or racial hatred. See for example: "Eleven on Affray Charge Sent to Old Bailey," *News Chronicle*, September 5, 1958, British Newspaper Archive; "'Threats in Jail' to Man on Stab Charge," *News Chronicle*, September 3, 1958, British Newspaper Archive; "Renewed Race Riots in London," *The Civil and Military Gazette*, September 6, 1958, British Newspaper Archive; "A 'People' Investigation That Reveals How the Riots Begin," *The People*, September 7, 1958, British Newspaper Archive.
[434] See for example: "Butler in Talks on Race Riots," *The Shield Evening News*, September 3, 1958, British Newspaper Archive; Hylton Clark, "More Houses Would End Riot Excuses," *Evening News*, September 9, 1958, sec. Letter to the Editor, British Newspaper Archive; David Willis, "'All Strictness' against Race Thugs," *News Chronicle*, September 4, 1958, British Newspaper Archive.
[435] "Whites Get Most of the Blame for Riots," *News Chronicle*, September 8, 1958, British Newspaper Archive; George Tansey and George Holt, "After Notting Hill: A Three-Day Fact-Finding Series: Day 1," *News Chronicle*, September 9, 1958, British Newspaper Archive; William Greig, "Race Riots: Macmillan Says - Entry Laws Are Being Reviews," *Daily Mirror*, September 4, 1958, British Newspaper Archive; Margaret Stewart, "Party Moves to Check Race Clash," *News Chronicle*, September 2, 1958, British Newspaper Archive.
[436] Paul, "Communities of Britishness," 191.

By the end of the 1950s, however, as it was clear the Empire was in decline, Britain's identity was moving away from their overseas Empire. Alongside increasing nativism seen though racialized violence and rhetoric like that of Cyril Osbourne, as the demography of the UK shifted so too did national identity. In the 1960s, British national identity was increasingly understood within a national, rather than imperial, and white, framework.[437] Colonized people had functioned as the Other to which white, European Britons could compare themselves, and were not considered as a constituent part of national identity. Increasing non-white British subjects coming to the UK contributed to "a growing disillusionment with the Commonwealth among the British masses, most of whom were not prepared to regard coloured people as acceptable fellow citizens."[438]

In the shift away from the overseas Empire, British identity was increasingly defined as part of a modern European identity. Historian and former Deputy Secretary-General of the Commonwealth, Krishnan Srinivasan argues that after the independence of India, Britain's imperial identity was declining and "if Britain was to be influential and prosperous, it would have to be as a part of Europe."[439] In her study on British identity during the 1961-1962 smallpox epidemic, which arrived in the UK via Pakistani immigrants, historian Roberta Bivins concludes that "British identity at the end of empire was tied up with Britain's welfare state, and with Britain's technological and medical parity with other Western nations, as well as with the over-heated questions of race. These strands of identity drew Britain closer to Europe, rather than the

[437] Paul, *Whitewashing Britain*.
[438] Krishnan Srinivasan, *The Rise, Decline and Future of the British Commonwealth* (Palgrave Macmillan, 2005), 77.
[439] This was of course not realized until much later. Srinivasan, *The Rise, Decline and Future of the British Commonwealth*, 113.

Commonwealth."[440] The Commonwealth was promulgated as a key to international cooperation. Following the African tour, the cabinet report explained that throughout the continent there was "an instinctive response to the thought that unity in the Commonwealth spells strength."[441] However, the Commonwealth was facing various challenges that resulted in a general weakening of the organization at the same time. Though the UK seemed to be emphasizing their relationship to the Commonwealth in the early 1960s, they were also moving away from their imperial connections and turning to Europe. This was epitomized through multiple applications to the European Economic Community.

The UK's first application to join the EEC was submitted in 1961 by Macmillan's Conservative government.[442] In 1962, while the UK was involved in negotiations in Brussels, Secretary of State Rab Butler presented to Parliament an update and review of their progress and priorities. He began by stating clearly that "Historically and geographically we have always been a part of Europe," and maintained it was "regarded as natural and a natural rôle for Britain to play a full part in Europe not only economically, but politically."[443] These assertions precede comments that the UK was still committed to "protect the vital interests of our Commonwealth since we have no intention of deserting them."[444]

There are three interrelated concerns about the UK joining the EEC for the Commonwealth. The first, and most significant in terms of parliamentary debate and Commonwealth consultation were economic concerns, related to how the Treaty of Rome and

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[440] Roberta Bivins, "'The People Have No More Love Left for the Commonwealth': Media, Migration and Identity in the 1961–62 British Smallpox Outbreak," *Immigrants & Minorities* 25, no. 3 (November 2007): 14.
[441] "Prime Minister's African Tour," 4, TNA CAB 129/101/16.
[442] Their admittance was famously denied by French President Charles de Gaulle.
[443] R.A. Butler, "European Economic Community," 1 Aug, 1962, UK Parliamentary Debate, H.C., 5th ser., vol. 664 (1962), col. 644.
[444] Butler, "European Economic Community," 1 Aug, 1962, vol. 664, col. 644.

Common Market would impact existing Commonwealth trade arrangements. The second was social and cultural in nature, as there were concerns about the abstract historical relationship between the UK and Commonwealth that could be altered or damaged due to this strong European connection. The third is the question of Commonwealth immigration, which touched on themes of labour, migration, race, and class.

During the first application, there were mixed opinions on what the consequences of joining the EEC would have on the Commonwealth. The main concerns at the time were about the economic consequences and Commonwealth trade, but there were some concerned with the impact on the Commonwealth relationship. For example, Labour leader Hugh Gaitskell was highly critical of the Conservative plan to apply for the EEC, citing concerns that it would weaken the relationship Britian had with the Commonwealth.[445] The Conservative opinion, however, was that there need not be a binary between connections to Europe and connections to the Commonwealth. Rather, membership in the EEC could offer more opportunities to Commonwealth partners, both economically and politically.[446] Opinions from the Commonwealth itself was also important at this time, as many members were concerned with the possibility of Britian joining the EEC. Following a Commonwealth Conference in Accra in September 1961, a number of Commonwealth Finance Ministers reported their worries that Commonwealth interests would not be adequately protected and that Britain's "membership in the Common Market might imperil her relationship with them [other Commonwealth members] and weaken the Commonwealth as a world instrument for understanding, prosperity, and

[445] Catterall, "The Plural Society," 836.
[446] Patel, *We're Here Because You Were There*, 108.

peace."[447] Ultimately Commonwealth leaders agreed that the UK could pursue membership, but the UK was to bring up their concerns during negotiations.[448]

Concerns about Commonwealth immigration were raised during the first application, but were not nearly as significant as discussions about other impacts the EEC may have on the Commonwealth. In August 1962, Labour MP William Blyton asked about Caribbean immigration in the context of how the mobility of labour and labourers within the Common Market would interact with British trade unions, asking how the UK can "accept the French, Italians, Belgians, Dutch and Germans and keep our Commonwealth friends out?" However, Commonwealth immigration was on the national agenda at this time. While the UK was going through their first application and negotiations with the EEC, they were also debating a bill to control immigration and deportation of Commonwealth citizens and "amend the qualifications required of Commonwealth citizens applying for citizenship under the British Nationality Act, 1948."[449] Though Commonwealth immigration would become a larger consideration in the UK's second attempt to join the EEC, the first application in 1961 demonstrates shifts in British identity from the overseas Empire to Europe, and coincides with the introduction and implementation of the first formal Commonwealth immigration restrictions.

The 1962 Commonwealth Immigrants Act

The British Empire and Commonwealth had gone through great changes by the 1960s. When considering the history of restrictions on the immigration of Commonwealth citizens to the UK, the position of Empire is critical context. As Paul argues, in deciding to legislate in the early 1960s, British policy-makers were influenced "by the diminishing possibility for the

[447] "Six: Commonwealth Shock for Britain," *Belfast Telegraph*, September 15, 1961, British Newspaper Archive.
[448] Douglas Haig, "Crucial Talks by Premiers on E.E.C.," *The Birmingham Post*, September 5, 1962.
[449] "Commonwealth Immigrants," 1 Nov, 1961, UK Parliamentary Debate, H.C., 5th ser., vol. 648 (1961), col. 161.

imperial project," resulting from Suez, the "wind of change" in African colonial policy, and the growing global position of the United States.[450] The UK was also trying to shift their political and economic ties to Europe, rather than being tethered to the Commonwealth. This was the backdrop of increasing Commonwealth immigration to the UK. By the late 1950s, "racial hierarchies of the empire were no longer external," and had to be "confronted at home."[451] Finally, on November 1, 1961, Home Secretary Butler presented to the House of Commons what would become the 1962 Commonwealth Immigrants Act.

In November 1960, in response to a "startling increase in the rate of immigration from the West Indies," Butler suggested the cabinet committee should review the issue and consider if controls over Commonwealth immigration should be introduced.[452] The issue was next addressed in cabinet on February 16, 1961. Cyril Osborne, in his push for immigration controls, had again notified parliament he would move a Resolution on immigration, planned for February 17, 1961.[453] The Lord Chancellor, Viscount Kilmuir, reported to cabinet that though number of "coloured immigrants" had dipped slightly in 1958 and 1959, almost 60,000 migrants arrived in 1960 and there was now "some 300,000 coloured British subjects" living in the UK.[454] Kilmuir was asked to meet with the Commonwealth Migrants' Committee and prepare a report for cabinet on the subject. Macmillan's cabinet was still unsure about the way forward regarding legislation, and therefore decided that when Osborne's motion was introduced in the House of

[450] Paul, "Communities of Britishness," 193.
[451] Catterall, "The Plural Society," 836.
[452] Butler reported that between January and October 1960, 43,500 West Indians migrated to the UK. Cabinet Meeting Conclusions, 25 November, 1960, TNA CAB 128/34/59, 6.
[453] Cyril Osborne, "Immigration," 1 Feb, 1961, UK Parliamentary Debate, H.C., 5th ser., vol. 633 (1961), col. 994.
[454] Cabinet Meeting Conclusions, 16 February, 1961, TNA CAB 128/35/7, 3.

Commons the next day they would stall and refrain from making any comment of commitment at this time.[455]

Kilmuir's May 1961 memorandum on Commonwealth Migrants reported that the committee felt it was time to implement legislative restrictions on Commonwealth immigration.[456] If there were no restrictions put in place, it was projected that by the end of 1961 there could be "nearly half a million coloured persons in the United Kingdom, and the figure might well rise to 2 millions within the next fifteen years."[457] In the face of these population projections, the decision to recommend legislative controls was mainly based upon an assessment of risk.[458] It should be noted that many of those that arrived just prior to the date of effect of the 1962 legislation arrived out of fear that they would lose their ability to enter the UK.[459] There did exist some strain on housing, but there was yet to be any real issues with unemployment. However, Kilmuir cited "growing parliamentary and public concern about the social consequences" of immigration, especially as "the quality of the immigrants appears to be deteriorating."[460]

A demographic shift in immigration also contributed to the introduction of immigration controls. At this time, overall numbers of Black and Asian immigration numbers were increasing, reaching a peak of over 136,000 migrants in 1961.[461] Up to the early 1960s most migrants came from the Caribbean, and Jamaica featured heavily in discussion in the media and

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[455] Cabinet Meeting Conclusions, 16 February, 1961, TNA CAB 128/35/7, 3.
[456] Viscount Kilmuir, "Commonwealth Migrants," 26 May, 1961, TNA CAB 129/105/17.
[457] At this time, the majority of Commonwealth immigrants were coming from the Caribbean and then from India and Pakistan. Kilmuir, "Commonwealth Migrants," TNA CAB 129/105/17, 1.
[458] McKay identifies "the crucial factor" in deciding to control immigration was the increasing number of immigrants in 1960 and 1961. James McKay, "The Passage of the 1962 Commonwealth Immigrants Act, a Case-Study of Backbench Power," *Observatoire de La Société Britannique*, no. 6 (2008).
[459] Patel, *We're Here Because You Were There*, 75.
[460] Kilmuir, "Commonwealth Migrants," TNA CAB 129/105/17, 1.
[461] This is compared to just over 46,000 in 1956 and a low point of 21,600 in 1959. Spencer, *British Immigration Policy Since 1939*, 87.

parliament. However, by the late 1950s there was a substantial increase in South Asian migrants arriving in the UK, mainly from India and Pakistan. For example, about 30% of the total number of South Asian migrants in 1957 arrived in Britain in February of 1958.[462] These numbers were not necessarily something to be concerned about, as numbers fluctuated regularly: there were more South Asian arrivals in the first five months of 1956 than the first five months of 1958. However, the difference was by 1958 numbers of South Asians "now equalled those from the Caribbean and [Asians] were compared very unfavourably to them."[463] Butler reported with the Draft Bill in October 1961 that Caribbean migrants have always been the most numerous, but the number of immigrants from India and Pakistan is now catching up.[464] Hansen asserts that the increase in migrants from Pakistan and India directly contributed to the decision to implement controls.[465] George Brown, Labour MP and future Secretary of State for Foreign Affairs, criticized the introduction of immigration controls from the perspective of the Commonwealth, and told parliament his understanding was that the Conservative government is much less concerned about migrants from the Caribbean, but "that they are concerned about the influx or movement from the Asian Commonwealth countries, particularly India and Pakistan."[466]

Kilmuir's report described three possible approaches the controls could take: housing, health, or employment. It was decided that the "practical difficulties are too great" in a policy designed around housing certificates that would ensure immigrants would have housing upon arrival.[467] In terms of health checks, the committee felt this would be simply ineffective, as

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[462] Spencer, *British Immigration Policy Since 1939*, 91.
[463] Spencer, *British Immigration Policy Since 1939*, 92.
[464] R. A. Butler, "Commonwealth Migrants," 6 October, 1961, TNA CAB 129/107/3, 1.
[465] He suggests that immigration controls may not have been introduced in 1962 had Caribbean migrants remained the largest group. Hansen, *Citizenship and Immigration in Post-War Britain*, 120.
[466] George Brown, "Debate on the Address," 1 Nov, 1961, UK Parliamentary Debate, H.C., 5th ser., vol. 648 (1961), col. 169.
[467] Kilmuir, "Commonwealth Migrants," TNA CAB 129/105/17, 2.

almost all potential migrants would pass a check of this nature. It was decided then, that the best approach would be through employment criteria.

In cabinet reports and discussions there was no secret that this would be a race-based policy. Though officially a policy designed to deal with Commonwealth immigration, the actual goal was evident through the preoccupation with Commonwealth immigrants of colour and the interchangeable use of "coloured" to describe the group targeted by the legislation. Along with the goal of effective immigration control, the employment scheme was favoured because it offered flexibility in implementation and enforcement. Practically, a system of employment vouchers means that the government could create annual quotas "based on the economic, social and political conditions at the time."[468] This flexibility also provided the government the ability to masquerade their race-based enforcement under the guise of employment and skilled labourers. This would also solve the problem of the distinction between the Old and New Commonwealth. Kilmuir wrote that the proposed legislation scheme

> could be operated without any distinction on grounds of race or colour, although in practice since most of the immigrants from the old Commonwealth countries would be either skilled workers or would be coming to a specific job they would be unlikely to be much affected.[469]

This issue was a major consideration in the nationality legislation of the late 1940s. Many in the UK argued for the universality of the 1948 British Nationality Act in order to protect the rights of white subjects from the Dominions to access the UK.[470] Now the Conservative government

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[468] Kilmuir, "Commonwealth Migrants," TNA CAB 129/105/17, 2.
[469] Kilmuir, "Commonwealth Migrants," TNA CAB 129/105/17, 2.
[470] The movement of British subjects between the UK and Dominions was still considered important. The Commonwealth and Empire Settlement Acts, 1922-1957 was set to expire on May 31, 1962 and Duncan Sandys, Secretary of State for Commonwealth Relations, recommended renewing the legislation for another five years. The legislation included collaboration with Canada, New Zealand, the Federation of Rhodesia and Nyasaland, and especially Australia (South Africa's recent withdrawal from the Commonwealth made them ineligible for the program). Though the program risked losing highly skilled British individuals and involved an annual limit of £1.5

was proposing a policy in which British subjects from the Dominions could continue to enjoy their privileged status while the arrival of non-white British subjects could be controlled, all under the guise of a race-blind control method.[471]

Policy-makers were also acutely aware that controls on Commonwealth immigration could have significant consequences for the Commonwealth. It was repeated in reports and proposals that this would be a break from traditional policy that guaranteed the rights of entry for all Commonwealth citizens. However, those in favour of restrictions argued that "the migratory patterns on which this commitment was premised had altered."[472] The 1956 report from the Committee of Ministers stated that,

> The principle that the United Kingdom should maintain an open door for British subjects grew up tacitly at a time when the coloured races of the Commonwealth were at a more primitive stage of development than now. There was no danger then of a coloured invasion of this country. In the meantime circumstances have changed. Coloured people are better educated, they can find the passage money, and transport facilities are better developed. There is now not merely the prospect that immigration from the West Indies might

million government spending, cabinet felt that it should be renewed and there should be no decrease in spending limit. Ultimately, Sandys recognized that "Emigration strengthens Commonwealth ties and co-operation," and recommended a renewal of the policy. Duncan Sandys, "British Emigration Policy," 1 December, 1961, TNA CAB 129/107/51, 6; Cabinet Meeting Conclusions, 5 December, 1961, TNA CAB 128/35/67, 7-8.

[471] Cabinet discussion on October 10, 1961, also suggested immigration control, though perhaps unpopular in parts of the Commonwealth, was "preferable to the continuing risk of ill-feeling over incidents in this country involving coloured Commonwealth immigrants." Cabinet Meeting Conclusions, 10 October, 1961, TNA CAB 128/35/55, 5. However, the first Race Relations Act did not make it through parliament until late 1965, which directly addressed racial discrimination and "made the promotion of hatred on the ground of 'colour, race, of ethnic or national origins' an offence." This Act did not address all concerns of racial discrimination and was expanded in 1968. "Race Relations Act 1965," UK Parliament, accessed May 25, 2022, https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/collections1/race-relations-act-1965/race-relations-act-1965/.

[472] Hansen, *Citizenship and Immigration in Post-War Britain*, 120–21.

> accelerate, but that it might be supplemented by immigration from Nigeria, the Gold Coast and other coloured areas.[473]

The commitment to Commonwealth principles of free entry were "no longer sufficient" to prevent immigration control.[474] The growing population and perceived risk of social and demographic consequences of uncontrolled immigration resulted in the passage of the Commonwealth Immigrants Act, which received Royal Assent on April 18, 1962.[475]

There are at least two significant aspects of the first Commonwealth Immigrants Act: the reclassification of British passports and the introduction of employment vouchers.[476] The Act used British passports to create two classes of CUKCs. The controls in the Act do not apply to those CUKCs who hold a "United Kingdom passport," meaning a current passport that is "issued to the holder by the Governemnt of the United Kingdom, not being a passport so issued on behalf of the Government of any part of the Commonwealth outside the United Kingdom."[477] Therefore, any CUKC who holds a passport issued by a colonial government is subject to immigration control. Although functionally this seemed to challenge the nationality and citizenship scheme codified in 1948, in legal terms there was no change to citizenship, only controls on rights of entry to the country. Minister of Health and member of the Commonwealth Migrants Committee, Enoch Powell wanted there to be a distinction created between CUKCs within the UK and those outside, creating a distinction in the citizenship status itself.[478] This would then determine who would be subject to the new immigration controls. However, this would mean change to the 1948

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[473] Kilmuir, "Colonial Migrants," TNA CAB 129/81/45, 6.
[474] Hansen, *Citizenship and Immigration in Post-War Britain*, 120.
[475] Hammond Perry argues that Butler presented the Bill as a preventative measure, to stop housing, employment, and other unwanted social conditions from occurring, even though at the time the UK did not have significant unemployment problems. Hammond Perry, *London Is the Place for Me*, 164.
[476] There were also changes to the residency requirements for registration as a CUKC and rules for deportation.
[477] Commonwealth Immigrants Act 1962 (c. 21), s.1(3).
[478] Paul, *Whitewashing Britain*, 165.

Act, formal changes to the concept of imperial or Commonwealth citizenship, and Commonwealth consultation.[479] By using immigration law instead, the Conservative government was able to implement "immigration control without the reform of citizenship," which Hansen calls "revolutionary."[480]

The Commonwealth Immigrants Act in 1962 introduced a scheme of employment vouchers to allow entry to those Commonwealth citizens under new legislative control. During the Second Reading, Butler and John Hare, Minister of Labour, explained how the employment voucher system would work. The Ministry of Labour would be responsible for issuing vouchers based on quotas set by the government. There were three categories of voucher applications: those already with employment, those with desirable skills, qualifications, or education, and those who do not fall into the first two categories.[481] This last category is made up of the "unskilled and unqualified who have not got a skill or specific job to come to."[482] Entry will be awarded in this order, first to those with a job lined up, then to those with useful skills, which may change depending on the current labour needs, and then to the rest. Applications under the third category will apply directly to the Ministry of Labour and will be processed in a first come, first served basis.

Butler told parliament that it was "only after long and anxious consideration and a considerable reluctance" that the Conservative government decided to introduce legislation controlling Commonwealth immigration.[483] He emphasized that free entry was a "cherished

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[479] Paul, *Whitewashing Britain*, 165.
[480] Hansen, *Citizenship and Immigration in Post-War Britain*, 101. See also: Paul, *Whitewashing Britain*, 167; Patel, *We're Here Because You Were There*, 201.
[481] Non-salaried students, self-employed, and those on business trips are exempt from requiring a voucher.
[482] John Hare, "Commonwealth Immigrants Bill," 16 Nov, 1961, UK Parliamentary Debate, H.C., 5th ser., vol 649 (1961), col. 805.
[483] R. A. Butler, "Commonwealth Immigrants Bill," 16 Nov, 1961, vol. 649, col. 687.

tradition of the Mother country and there is little doubt that it has been an important link binding the Commonwealth together."[484] However, about a quarter of the global population was entitled to enter the UK, and this posed a large enough threat to implement immigration control on Commonwealth citizens.[485] Of course, it was really the presence of non-white Commonwealth immigrants, especially those of South Asian descent that prompted the government to act.

This was the first time the entry of British subjects was controlled, but in the next ten years another two acts would be passed to further control Commonwealth immigration. The context of independence in East Africa and subsequent Africanization policies targeting East African Asians are integral to the further development of Commonwealth immigration control. After the 1962 Act, a "psychological barrier had been crossed and the institutional mechanisms were in place," which facilitated further restrictions.[486] A core principle of the Commonwealth had thus been weakened and in the next few years the UK would continue to erode the traditional rights of all British subjects living throughout the Commonwealth. Significantly, the relevance of the Commonwealth to debates on immigration became less important. The Commonwealth no longer provided an ideological backing for free entry, but the powerful legal mechanism of the 1948 British Nationality Act still tempered efforts to restrict Commonwealth migrants. However, a large reason various governments were unwilling to engage with the 1948 Act was that it supported the Commonwealth. So as the Commonwealth became less important, and policy-makers looked to the British citizenship jurisprudence to set parameters on future legislation, it was still the Commonwealth undergirding the system. The next decade would continue to challenge these, now historic, Commonwealth principles and result in increasingly racially

[484] Butler, "Commonwealth Immigrants Bill," 16 Nov, 1961, vol. 649, col. 687.
[485] Butler, "Commonwealth Immigrants Bill," 16 Nov, 1961, vol. 649, col. 687.
[486] Hansen, *Citizenship and Immigration in Post-War Britain*, 26.

motivated and racially explicit legislation in the UK. The next iteration of the Commonwealth Immigrants Act would be by Wilson's Labour government, who on the whole, disagreed with the controls in 1962.

Increasing Calls for Control, 1964-1968

The events in Smethwick, a small industrial town near Birmingham, in the 1964 general election demonstrate the overlapping local, regional, national, and global contexts of immigration and racism in the 1960s. Labour's victory in 1964 was their first general election win since Churchill's 1951 victory and ended 13 years of Conservative rule. Labour MP Patrick Gordon Walker had represented Smethwick in parliament since 1945. Between 1945 and 1964, Gordon Walker served as Under-Secretary and later Secretary of State for Commonwealth Relations under Clement Attlee, and as Shadow Home and Foreign Secretary during the years Labour was in opposition. In 1964, while he was Shadow Foreign Secretary, he lost his seat to Conservative candidate Peter Griffiths. Not only was this 7.2% swing to the Conservative vote in Smethwick the greatest of any individual constituency in that election, it was also inconsistent with Labour's 3.5% swing nationally.[487] Griffiths' campaign "placed immigration at the centre of an unashamedly racist campaign," which was epitomized by the racist slogan: "If you want a nigger neighbour, vote Liberal or Labour."[488]

The racism practiced in Smethwick fit within local, national, and global contexts. On a local and regional level, Griffiths, who had previously served on local council and stood for election to parliament in 1959, and local and regional media contributed to a rising "anti-

[487] Rachel Yemm, "Immigration, Race and Local Media: Smethwick and the 1964 General Election," *Contemporary British History* 33, no. 1 (2019): 98. See also, Hansen, *Citizenship and Immigration in Post-War Britain*, 132; Paul, *Whitewashing Britain*, 177; Spencer, *British Immigration Policy Since 1939*, 136.
[488] The slogan came from Griffiths' supporters, rather than his campaign or Griffiths himself. However, when asked about it, he refused to condemn the message. Hansen, *Citizenship and Immigration in Post-War Britain*, 132; Buettner, "'This Is Staffordshire Not Alabama,'" 716.

immigrant feeling amongst the Smethwick electorate."[489] Groups like the Birmingham Immigration Control Association (BICA) formed in October 1960 with the goal to limit immigration into the region. There were also local and regional groups forming to fight anti-immigration in the region, including the Co-ordination Committee against Racial Discrimination (CCARD) and the Birmingham branch of the Indian Workers' Association (IWA). Additionally, on a regional level, the Midlands, the region containing Smethwick, sent some of the most vocal anti-immigration MPs to parliament.[490]

Though clearly grounded in more local contexts, issues of immigration, these organizations, and the Griffiths' campaign and subsequent win in Smethwick were also on the national agenda. Smethwick was not the only place where race and immigration became an election issue, certainly, but it was not part a major part of the national strategy for Conservatives to campaign on these issues.[491] However, "it was the highly contested battle for Smethwick's Parliamentary seat that ultimately catapulted the issue of race into the national spotlight as an election issue," in 1964.[492] As seen in the lead up to the 1962 Commonwealth Immigrants Act, immigration control was not high on the agenda for most Conservatives, save a "small and vociferous minority on the right."[493] Following the election, in one of the very first sessions of parliament in which Wilson's Labour Party formed government, he spoke of how Griffiths used "racialist appeals to win votes," called the campaign run in Smethwick by the Conservatives

[489] Yemm, "Immigration, Race and Local Media," 102.
[490] Smethwick, and Enoch Powell's riding, Wolverhampton South West, are located in the West Midlands. Cyril Osborne's, Louth constituency was in Lincolnshire, located in the East Midlands.
[491] Yemm, "Immigration, Race and Local Media," 107. See also: Hansen, *Citizenship and Immigration in Post-War Britain*, 142.
[492] Hammond Perry, *London Is the Place for Me*, 188.
[493] Spencer, *British Immigration Policy Since 1939*, 125.

"utterly squalid," and called Griffiths "a Parliamentary leper."[494] Griffiths' win brought to the national forefront renewed and increasing debates about racism and immigration in the public and political spheres.

Finally, those fighting against anti-immigration, including CCARD and IWA, frequently invoked global comparisons of racial inequality. For example, events and ideas in Smethwick were put in conversation with events of apartheid in South Africa, like the Sharpeville massacre; segregation in the United States, specifically pointing to events at Little Rock, AR, and Birmingham, AL; and events within the British Empire, like killings of Mau Mau detainees in Kenya.[495] Thus, though Smethwick was a local race, it did not exist in a vacuum and was shaped and helped shape local, national, and global contexts.

Racism did not suddenly appear in Smethwick upon the call for the 1964 election. There was a history of rising tensions in the post-war period. By 1964, Smethwick had an immigrant population of around 4,000 out of a population of roughly 68,000, and more than half of the migrants were South Asian.[496] As seen in one of Griffiths' most provocative slogans, much of the language used by Griffiths and the media during and before the campaign contained explicit references to Black immigrants and anti-Black rhetoric. However, Griffiths also spoke about his disdain for "voters in their turbans and saris."[497] Elizabeth Buettner explains that tropes of sexual immorality, criminality, and poor health and hygiene used by Griffiths and his supporters were

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[494] Harold Wilson, "Debate on the Address First Day," 3 Nov, 1964, UK Parliamentary Debate, H.C., 5th ser., vol. 701 (1964), col. 71.
[495] Buettner, "'This Is Staffordshire Not Alabama,'" 722–23. See also: Yemm, "Immigration, Race and Local Media," 106, 109–10; Hammond Perry, *London Is the Place for Me*, 193.
[496] Approximately 54% were Indian, 9% Pakistani, and the remaining 37% West Indian. Yemm, "Immigration, Race and Local Media," 101. Though not exact, Buettner essentially corroborates Yemm's population and demographic projections. Buettner writes that Commonwealth immigrants numbered between 4,000 to 7,000 in the total of around 70,000 in Smethwick. Her breakdown of the immigrant population has Indians making up closer to 66%, Pakistanis making up about 10% and the remaining quarter were "Jamaican." Buettner, "'This Is Staffordshire Not Alabama,'" 711, 718.
[497] Hansen, *Citizenship and Immigration in Post-War Britain*, 132.

projected onto all non-white Commonwealth immigrants. She further suggests that "South Asians had become a particular source of dislike and anxiety."[498]

Though in many ways Smethwick was and remained a fringe case within the UK, Griffiths' victory sent a strong message. The Labour Party shifted from opposing immigration controls in 1962 to recognizing their legitimacy and brought immigration even more to the fore of national discussion.[499] In 1964, Secretary of State for the Home Department, Sir Frank Soskice, decided to continue the Commonwealth Immigrants Act for another year, with the goal of eventually creating a more effective control scheme. He told parliament that his government was "firmly convinced that an effective control is indispensable."[500] However, the Labour government also introduced race relations legislation alongside the continuance of immigration control. This was in part to "mitigate its volte-face on immigration," and also to conform to international race relation reforms.[501] The first Race Relations Act was passed in 1965, two years after the adoption of the UN Declaration on the Elimination of All Forms of Racial Discrimination and a year after the US Civil Rights Act.

Placing British anti-discriminatory acts in a global conversation sheds light on the connections between the introduction of the Race Relations Act and increasing immigration restrictions on Commonwealth citizens of colour. Overt acts of racism, like those in South Africa and the United States, were denounced internationally. The UK had, while not wholly distancing themselves, condemned South Africa's policy of apartheid during Macmillan's African Tour in 1960. Increasing race-based violence in the UK, especially the events of 1958, "not only

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[498] Buettner, "'This Is Staffordshire Not Alabama,'" 718.
[499] Panayi, *An Immigration History of Britain*, 233; Hansen, *Citizenship and Immigration in Post-War Britain*, 134–36.
[500] Frank Soskice, "Schedule-(Acts Continued)," 17 Nov, 1964, UK Parliamentary Debate, H.C., 5th ser., vol. 702 (1964), col. 289-290.
[501] Patel, *We're Here Because You Were There*, 170.

threatened Britain's self-representation as a liberal and tolerant nation, but [was] also a collapse of the construction of British tolerance against the USA and South Africa," as Notting Hill was compared to Little Rock and Cape Town.[502] The Race Relations Act was a way to manage immigrants already residing in the UK, a moral imperative for the supposedly tolerant nation.[503] Thus, it was seen as only one part of a combined strategy to deal with the issue of increasing non-white Commonwealth immigrants in Britain.[504]

The 1965 Race Relations Act made it illegal to discriminate at public places like hotels, restaurants, theatres, swimming pools, and transportation. It also made it illegal to express or incite, in writing or verbally, racism or discrimination in public places.[505] Getting this bill passed required significant cooperation between the Labour and Conservative Parties. In order to obtain Conservative support, the Labour Party removed criminal consequences from the bill and instead a "Race Relations Board" was created to deal with complaints.[506] This compromise allowed for the bill to make it through parliament, but rendered it utterly ineffective.[507] Moreover, the Bill did not address discrimination in two particularly significant areas: housing and employment.[508] Though the law put racial discrimination on the national agenda, it left much to be desired. In addition, since the Act was designed to address discrimination that was deemed inappropriate by

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[502] Wendy Webster, *Englishness and Empire 1939-1965* (Oxford: Oxford University Press, 2005), 165.
[503] Hammond Perry, *London Is the Place for Me*, 199.
[504] See: Hammond Perry, *London Is the Place for Me*, chap. 6; Simon Peplow, "The 'Linchpin for Success'? The Problematic Establishment of the 1965 Race Relations Act and Its Conciliation Board," *Contemporary British History* 31, no. 3 (July 3, 2017): 430–31; G. Schaffer, "Legislating against Hatred: Meaning and Motive in Section Six of the Race Relations Act of 1965," *Twentieth Century British History* 25, no. 2 (June 1, 2014): 251–58.
[505] Race Relations Act 1965 (c. 73).
[506] Hansen, *Citizenship and Immigration in Post-War Britain*, 145.
[507] Patel, *We're Here Because You Were There*, 171.
[508] About 70% of the complaints received by the Race Relations Board fell outside the scope of the Act, often in these two categories. Patel, *We're Here Because You Were There*, 171. The Campaign Against Racial Discrimination (CARD), an interracial coalition of activists and organizations, noted the Act also ignored the key areas of policing, housing, and access to credit for people of colour. Hammond Perry, *London Is the Place for Me*, 193.

the international community, pressure for equality was not buttressed by Commonwealth principles to the same extent as it had been in the past.

Also in 1965, Wilson's Labour government presented a White Paper on Commonwealth immigration and integration. Though they proclaimed that their government was not opposed to the immigration of Commonwealth citizens, and they provided a "valuable contribution" to UK industry and labour, "there is a limit to the number of immigrants that this small and overcrowded country can absorb," and therefore there would need to be a significant reduction in the number of vouchers issued, from over 20,000 per year to 8,500.[509] Herbert Bowden, Lord President of the Council, explained that "a cardinal policy of the Government's policy on Commonwealth immigration [is] that immigrants have exactly the same rights and responsibility as any other citizen," but at the same time recognized the difficulties facing communities with large concentrations of immigrants.[510] Their solution was greater coordination between national, local, and voluntary organizations and authorities.[511] There would thus be greater resources spent on integrating existing immigrant communities. However, clearly, ideas about how many immigrants the country can "absorb" were an integral part of the integration policy, something that would become even more explicit by 1968. The ultimate goal was to reduce the amount of Commonwealth immigrants in British communities.[512]

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[509] Herbert Bowden, "Commonwealth Immigration," 2 Aug, 1965, UK Parliamentary Debate, H.C., 5th ser., vol. 717 (1965), col. 1058. The actual number of immigrants coming to the country would be quite different, because of, among other reasons, the rights of entry for dependents. There were some other changes laid out, including requiring medical examinations at the port of entry with follow up treatments and greater powers to "combat evasion."
[510] Bowden, "Commonwealth Immigration," 2 Aug, 1965, vol. 717, col. 1059.
[511] Bowden, "Commonwealth Immigration," 2 Aug, 1965, vol. 717, col. 1060.
[512] Of course, Commonwealth immigrants are not the only category of immigrants to the UK, there is also aliens. Cabinet commented on the importance of ensuring that the number of aliens allowed into the UK would not exceed the number of Commonwealth immigrants. In Parliament, Bowden explained certain distinctions that still exist between aliens and Commonwealth immigrants, like an easier path to citizenship for the latter. In the Cabinet meeting discussing the White Paper, cabinet felt confident that even with the reduction in vouchers, when considering total numbers (including dependents) the number of Commonwealth immigrants would exceed that of aliens for at least the next few years. Additionally, there were challenges to restricting permanent settlement for

Outside official statements of racial tolerance, there was significant discrimination still present in the UK. The peak of racial discrimination at this time is exemplified by Conservative MP for Wolverhampton South West, Enoch Powell. Powell sat in parliament from 1950-1974, and was the Conservative Minister of Health and a member of the Cabinet Commonwealth Migrants Committee for the passage of the 1962 Act. While support for the Commonwealth had been slightly declining through the 1950s and 1960s, this was generally in terms of declining power and influence in a new world order. For example, future Prime Minister Edward Heath, who led the Conservative Party from 1965 to 1975, saw the Commonwealth as something that hindered Britain's membership in the EEC.[513] But for Powell, the Commonwealth was "an absurd monstrosity…which prevented the United Kingdom from articulating a sense of its own national identity free from the shackles of its former imperial commitments."[514] In 1965, Powell's position was clear: there should be no distinction between Commonwealth citizens and aliens.[515] The privileged position for Commonwealth citizens, however had been an important point at the 1947 Commonwealth Conference on Nationality and Citizenship. Moreover, many of the immigrants that arrived in the later 1960s and 1970s were not Commonwealth citizens, also known as British subjects, holding citizenship of a Commonwealth country, they were citizens of

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aliens since "such settlement could only be sought after the alien has been resident for four years in the country. Cabinet decided that the issue of aliens would be left out of the document, but if asked they would explain that their policy was that "the number of non-Commonwealth immigrants admitted for permanent settlement would continue to be restricted to a figure considerably below that for Commonwealth immigrants." Cabinet Meeting Conclusions, 27 July, 1965, TNA CAB 128/39/58, 4.

[513] Hansen, *Citizenship and Immigration in Post-War Britain*, 180.

[514] Hansen, *Citizenship and Immigration in Post-War Britain*, 180–81.

[515] Peter Midforth, "The Three Just Men in a Losing Battle," *Birmingham Daily Post*, June 19, 1965, British Newspaper Archive. Powell had also made this point during discussions on immigration controls in 1961. Hansen explains that while Prime Minister (1970-1974), Heath "made it a priority for his government to equalize as much as it could the rights of aliens and Commonwealth migrants," it was based on the understanding that the privileges of Commonwealth citizens were, at that point, "a historic relic" and no longer relevant. This is a fundamental different basis than Powell, who wants to see Britain break away from the Commonwealth and close their borders. Hansen, *Citizenship and Immigration in Post-War Britain*, 181.

the United Kingdom and Colonies and so their restriction would require eroding fundamental citizenship rights.

Powell's anti-immigration stance grew and by 1968 he was an active part of the immigration debate, pushing the Conservatives to increasingly restrictionist positions and policies.[516] His inflammatory ideology echoed the sentiment of Cyril Osborne speaking about immigration controls less than a decade prior. Powell's intense anti-immigration stance culminated in 1968 within the context of unprecedented immigration of South Asians from Kenya. In April 1968, his "Rivers of Blood" speech, delivered at a meeting of the West Midlands Area Conservative Political Centre in Birmingham, called for stronger immigration controls and criticized the new Race Relations Bill, introduced in 1968, which aimed to address areas like housing and employment that were missing from the 1965 Race Relations Act. His perspective on British nationality, and how Commonwealth citizens fit into that, can be summarized by one of his more infamous statements made in 1968: "The West Indian or Indian does not, by being born in England, become an Englishman. In law he becomes a United Kingdom citizen by birth; in fact he is a West Indian or an Asian still."[517] Powell's speech in Birmingham, labelled by Heath as "racialist," and resulting expulsion from Shadow Cabinet, exposed both a fault line in the Conservative Party, and a section of public opinion in strong support of the right-wing ideology.[518] Nevertheless, more controls on Commonwealth immigration would be implemented by the end of the year, this time by the Labour government.

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[516] Hansen, *Citizenship and Immigration in Post-War Britain*, 182; Martin Wallace, "Fighting Racialism with the Law," *Belfast Telegraph*, April 25, 1968, British Newspaper Archive; "An Evil Speech," *The Times*, April 22, 1968; Douglas H. Dale, "Speaking Out," *The Times*, April 23, 1968.
[517] Paul, *Whitewashing Britain*, 178.
[518] Hansen, *Citizenship and Immigration in Post-War Britain*, 186–87; Winder, *Bloody Foreigners*, 291; Spencer, *British Immigration Policy Since 1939*, 142–43.

As in the early 1960s, the UK implemented new immigration restrictions and applied to the join the EEC at the same time. The two were opposite forces of the same action: the simultaneous pulling away from the Commonwealth and turning towards Europe. The second UK application to the EEC was submitted by Harold Wilson's Labour government in 1967. Historian Philip Alexander argues that the situation of the Commonwealth had changed by the second application. The Commonwealth was still an important consideration for most politicians, but at this point there were regional connections and real or potential trade agreements between Commonwealth members and other countries or organizations, including the EEC, that necessitated Britain's membership in the EEC. Secretary of State for Foreign Affairs, Michael Stewart, emphasized that joining the EEC would help to maintain, rather than replace their international position.[519]

The relationship between the UK's desire to join the EEC and Commonwealth immigration is not straightforward. There is no historiographic consensus on the connection between the UK applying for the EEC in 1961 and the impact on Commonwealth immigration, particularly the 1962 Commonwealth Immigrants Act. For example, Hansen argues that the question of Commonwealth immigration was not very relevant to the decision to move toward Europe, rather "of far greater consequence was sterling and imperial preference."[520] Consterdine however, argues that passing the 1971 Immigration Act was integral to the UK's finally successful application to the EEC and was directly influenced by concerns over the immigration implications of membership.[521] While considerations of Commonwealth immigration were

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[519] Philip Alexander, "From Imperial Power to Regional Powers: Commonwealth Crises and the Second Application," in *Harold Wilson and European Integration: Britain's Second Application to Join the EEC*, ed. Oliver J. Daddow (London: Frank Cass, 2003), 191.
[520] Hansen, *Citizenship and Immigration in Post-War Britain*, 122.
[521] Consterdine, "Community Versus Commonwealth," 2.

present, albeit not as significant as other economic concerns during the first application, there was greater discussion of Commonwealth immigration and free mobility in the EEC in Parliament during the UK's second application.

In May 1967, Prime Minister Wilson addressed concerns about Commonwealth immigration and potential membership in the EEC. The lengthy discussion acknowledged the connection between immigration and the EEC in a more substantial way than debates in the early 1960s. Wilson reassured Parliament that the Treaty of Rome would not hinder their ability to create, implement, and execute their own immigration legislation as it pertains to deciding how Commonwealth immigrants are granted entry into the country. However, he emphasized that when considering the specifics, "the whole question of nationality and citizenship is extremely complex. Our own legislation on the subject does not have any precise parallel with that of the Community countries."[522] Essentially, Commonwealth citizens who are not CUKCs, would not be able to freely enter EEC member countries, since the Treaty of Rome is "clearly based on nationality and not on residence."[523] At the same time, Wilson explained that those living in British Colonies, like Gibraltar or Fiji, who would technically still be CUKCs since they do not belong to an independent nation-state, are "mostly subject to our immigration control, and like citizens of independent Commonwealth countries, they would not have the direct right of entry into E.E.C. countries to take up jobs."[524] If those currently living overseas enjoy the same citizenship privileges as those in the UK, but are not allowed the free mobility of the EEC, it would seem as though it was not simply nationality rather than residency requirements, but a

[522] Harold Wilson, "European Communities (Membership)," 8 May, 1967, UK Parliamentary Debate, H.C., 5th ser., vol. 746 (1967), col. 1086.
[523] Wilson, "European Communities (Membership)," 8 May, 1967, vol. 746, col. 1086. Those Commonwealth citizens who arrived in the UK without holding UK citizenship would be able to register after 5 years' residency and thus access employment throughout the EEC.
[524] Wilson, "European Communities (Membership)," 8 May, 1967, vol. 746, col. 1087.

complicated combination of the two. Nevertheless, Labour and Conservative MPs were critical of an agreement that would see race-based restrictions placed on Commonwealth citizens of colour, to which Wilson assured would not take place.[525]

The connection between Commonwealth immigration and the EEC was always present, but gained significance over time and with each application. The first official restriction against Commonwealth immigrants had been enacted in 1962, following the first rejected application. The second application was simultaneous with the 1968 Commonwealth Immigrants Act. The UK officially became a member of the EEC in 1973, after the passage of the 1971 Immigration Act which further restricted Commonwealth immigrants.[526] Certainly, both membership in the EEC and Commonwealth immigration are connected since they both directly impact immigration policy in the UK. But along with the simultaneous unfolding of Commonwealth immigration restrictions and applications to the EEC, they are significant events in the development of British identity in latter half of the twentieth century and represent key moments in the history of the Commonwealth. It is important to put these events in conversation to recognize the global influences on the Commonwealth and how the UK considered immigration in a broader context.

1968 Crises: Kenya and a new Commonwealth Immigrants Act

Kenya achieved independence on December 12, 1963. Their citizenship legislation did not allow for dual citizenship, so anyone wishing to be a Kenyan citizen would have to renounce their existing citizenship. At the time of independence there were three main racial categories that made up the population living in Kenya: African, South Asian, and European. The

[525] See for example: Alfred Morris, "European Economic Community," 4 May, 1967, UK Parliamentary Debate, H.C., 5th ser., vol. 746 (1967), col. 735.; Norman St. John-Stevas, "European Communities (Membership)," 8 May, 1967, vol. 746, col. 1170.

[526] The second British application was also vetoed by de Gaulle. After his retirement in 1969, the British entered into negotiations with the EEC and were finally successful in joining in the early 1970s.

citizenship, and residency, of thousands of East African Asians would come to a head in 1967-1968, prompting more restrictive Commonwealth immigration control.[527] As with attitudes in the early 1960s, contributing to increasing controls was the fact that the migrants were of South Asian descent.[528]

South Asians have been present in East Africa for more than a century, but with the development of British colonialism in Kenya in the last decade of the nineteenth century, they "made a territorial claim in Kenya, establishing a permanent settlement there."[529] Asians arrived in East Africa for a number of reasons, including as merchants and traders; as civil servants, holding positions inaccessible to Africans; and indentured labourers to build the railways, some of which stayed to be small shop owners and artisans. Though there was a lot of mobility within this India Ocean sphere, historian Sana Aiyar's *Indians in Kenya* emphasizes East Africa, and Kenya specifically, as a "second homeland to which Indians made territorial and generational claims."[530] By the 1950s and 1960s, South Asians living in the Kenya were navigating between distinct citizenship and nationality in Kenya, India, and the United Kingdom. Technically eligible to register as Indian citizens after 1950, many did not. Apa Pant, Indian High Commissioner in Nairobi encouraged them to identify with Kenya, rather than India and, since Kenya was not yet independent, advised they seek British citizenship.[531] In 1955, India decided against dual citizenship for the diaspora and again encouraged Indians abroad to integrate

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[527] This section will mainly focus on Kenya, however this was a problem throughout East Africa, in the newly independent countries of Kenya, Uganda, and Tanganyika (which joined with Zanzibar to form Tanzania in 1964). The conclusion will look more closely at the events in Uganda in the early 1970s.
[528] In 1968, cabinet discussed that Asian immigrants were even harder to "absorb" because "Asian immigrants tended to concentrate in particular localities in this country." Cabinet Meeting Conclusions, 15 February, 1968, TNA CAB 128/43/13, 8.
[529] Aiyar, *Indians in Kenya*, 8.
[530] Aiyar, *Indians in Kenya*, 7.
[531] Patel, *We're Here Because You Were There*, 215; Aiyar, *Indians in Kenya*, 278.

themselves fully into their new home.[532] Though this was somewhat different than the way that India approached the diaspora during negotiations of Commonwealth membership in the late 1940s, by the mid-1950s, this was consistent with Nehruvian policies of decolonization and anti-imperialism.[533]

By the time the deadline to register for Kenyan citizenship passed, there were almost 100,000 Asians who opted to remain CUKCs.[534] British colonial rule left a legacy of greater relative wealth for Asians over Africans and upon independence, there was a lot of resentment on the part of Kenyans.[535] The result was requirements that were very demanding for those Asians who wished to become Kenyan citizens. Application for Kenyan citizenship entailed significant cost, which, despite widespread belief, not all Asians could afford; was liable for revocation by the Ministry of Home Affairs for seven years; and required birth records that many Asians did not have.[536] Therefore, for many Asians, renouncing their British citizenship was too risky. They tried to show their intention of permanence in the new country by financially contributing to state development projects.[537] Nevertheless, many Asians felt that their economic position in Kenya was precarious, and Asians with British passports started leaving Kenya.[538]

In early September 1967, the British High Commission in Nairobi reported that 400-500 Asians a week were leaving for the UK.[539] When James Callaghan was made Home Secretary at

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[532] Aiyar, *Indians in Kenya*, 278.
[533] Despite the tension between the India diaspora and Africanization, Nehru and Indian policy tended to support the latter, sometimes at the expense of the former. Lall, *India's Missed Opportunity*, 76–96.
[534] Aiyar, *Indians in Kenya*, 279.
[535] Due to "homogenising social effects of colonial administration," economic, caste, and religious differences between South Asian communities were blurred for those outside South Asian communities. Patel, *We're Here Because You Were There*, 218.
[536] Aiyar, *Indians in Kenya*, 279–80; Patel, *We're Here Because You Were There*, 214.
[537] Aiyar, *Indians in Kenya*, 280.
[538] Randall Hansen, "The Kenyan Asians, British Politics, and the Commonwealth Immigrants Act, 1968," *The Historical Journal* 42, no. 3 (1999): 817; James Hampshire, "Immigration and Race Relations," in *The Labour Governments 1964-1970*, ed. Peter Dorey (ebook: Taylor & Francis Group, 2006), 314.
[539] Patel, *We're Here Because You Were There*, 220.

the end of November 1967, Home Office officials were estimating 2,000 Asians per month were leaving for the UK.[540] In July 1967, the Kenya Immigration Bill was passed by the National Assembly, which cancelled residency permits and created a system of work permits instead.[541] A few months later, the Trade Licensing Bill required all businesses to receive a business permit, targeting positions usually held by South Asians and limiting certain industries to citizens only.[542] These two actions are usually considered as the reason that so many British Asians left Kenya in 1967, however, Aiyar argues that the actions of British policymakers in 1967 was what really "triggered the exodus."[543]

Much of the issue, from the British perspective, was that Kenyan Asians did not fall under the controls of the 1962 Commonwealth Immigrants Act. As discussed, this Act was based not on a formal distinction between citizenship of those inside and outside the UK, but on the issuing authority of British passports. If a passport was issued by the British government, that person was not subject to controls, but if it was issued on behalf of the British government, meaning by a Colonial government, then the holder was subject to controls. With Kenya's independence in December 1963, "the colonial governor naturally gave up his post and became the High Commissioner, the UK's direct representative in independent Kenya."[544] Therefore, any passport issued after December 1963 was not issued on *behalf* of the UK government, but technically by the UK government itself, releasing all CUKCs in Kenya from controls in the 1962 Act.

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[540] Hansen, *Citizenship and Immigration in Post-War Britain*, 160.
[541] Aiyar, *Indians in Kenya*, 276.
[542] Hansen, "The Kenyan Asians," 817.
[543] Aiyar, *Indians in Kenya*, 285. Something Aiyar makes clear in her work is that the process of Africanization and the exodus of Asians from Kenya is not simple or straightforward. These nuanced concepts, ideas, and events cannot be blamed on any one group or policy.
[544] Hansen, *Citizenship and Immigration in Post-War Britain*, 171.

The possible and real consequences of Kenya's narrow citizenship policy for CUKCs had been on the minds of British policymakers in the early 1960s. Concerned about "British" (European) people in Kenya who may want to return to the UK, Conservative MP Frederic Harris asked the Conservative Home Secretary, Henry Brooke, about a policy that could allow those required to "give up their present citizenship in order to obtain local citizenship," to "recover their citizenship of the United Kingdom and Colonies on application."[545] Changes to the British Nationality Act were made in 1964 to "facilitate the resumption or renunciation of citizenship of the United Kingdom and Colonies."[546] Though this was designed with white British settlers in mind, it did allow for some Asians who obtained Kenyan citizenship to revert to British citizenship, however this was not the case for the majority of British Asian migrants who left Kenya.[547] The more common occurrence was those who opted to retain their CUKC status coming to the UK. There is some evidence that the government was aware of the possibility of Asians wanting to leave Kenya following independence, and that should they retain their British citizenship they would not be subject to current Commonwealth immigration restrictions.[548]

By the mid-1960s, considerations of immigration restrictions were less concerned with the Commonwealth, and more about the risk of rendering CUKCs stateless, and the difficulties of avoiding explicitly race-based policy. In 1961, the UN adopted the Convention on the Reduction of Statelessness. It stated a state "shall not deprive a person of its nationality if such deprivation would render him stateless," and a state "may not deprive any person or group of

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[545] Frederic Harris, "Commonwealth Countries (British Citizens)," 20 Nov, 1963, UK Parliamentary Debate, H.C., 5th ser., vol 684 (1963), col. 108.
[546] British Nationality Act 1964 (c. 22).
[547] Hansen does not provide a concrete number, but it is less than 20,000. Hansen, *Citizenship and Immigration in Post-War Britain*, 168.
[548] Hansen, *Citizenship and Immigration in Post-War Britain*, 172–73.

persons of their nationality on racial, ethnic, religious or political grounds."[549] Since they already held citizenship of the UK and Colonies, a refusal on Kenya's part to grant citizenship would not render South Asians stateless, but action on the part of the UK could.[550] At this point, the UN had adopted the International Convention on the Elimination of All Forms of Racial Discrimination, and the UK had signed, but not yet ratified the it.[551] Furthermore, restricting citizens from entering the state to which they held nationality seemed to go against Article 13 of the 1948 UN Universal Declaration of Human Rights, and as such, both Conservative and Labour governments in the early and mid-1960s found it difficult to justify.[552] Ultimately, Attorney General Elwyn Jones told cabinet that they had not yet ratified the European Convention on Human Rights, and for other agreements, if challenged, they can argue against claims of racial discrimination but explaining this is "based on criteria of territorial connection with the United Kingdom and does not discriminate on grounds of race, colour or national or ethnic origin."[553]

At the 1947 Commonwealth Conference, the UK representatives expressed their desire for dual citizenship to exist within the Commonwealth. Sir Alexander Maxwell described how the UK parliament would be unlikely to support a law that states CUKCs would lose their citizenship status upon taking up citizenship in other Commonwealth country. The Dominions at

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[549] United Nations, *Convention on the Reduction of Statelessness,* (August 30, 1961), Article 8, 1., Article 9. https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf
[550] Aiyar, *Indians in Kenya*, 286. For the issue of statelessness in Parliamentary Debate, see: Elystan Morgan, "Commonwealth Immigrants Bill," 27 Feb, 1968, UK Parliamentary Debate, H.C. 5th ser., vol. 759 (1968), col. 1265; John Nott, "Commonwealth Immigrants Bill," 28 Feb, 1968, UK Parliamentary Debate, H.C., 5th ser., vol. 759 (1968), col. 1544-1546; Lord Byers, "Business of the House," 29 Feb, 1968, UK Parliamentary Debate, H.L., 5th ser., vol. 289 (1968), col. 907; "Commonwealth Immigrants Bill," 29 Feb, 1968, UK Parliamentary Debate, H.L. 5th ser., vol. 289 (1968), cols. 917-1217.
[551] James Callaghan, "Immigration Legislation," 12 February, 1968, TNA CAB 129/135/34, Appendix IV, 1.
[552] United Nations, *Universal Declaration of Human Rights,* (December 10, 1948), Article 13. https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf; Paul, *Whitewashing Britain*, 180. Callaghan explained that the Declaration does not have legal obligations, but has received support in UK parliament, and that 1968 is "International Human Rights Year." Callaghan, "Immigration Legislation," TNA CAB 129/135/34, Appendix IV, 1.
[553] Elwyn Jones, "Immigration Legislation," 14 February, 1968, TNA CAB 129/135/36, 1.

the conference were mixed on this question, but ultimately it was up to the individual country to decide if they would recognize dual citizenship with other Commonwealth countries or not. Decades later, the UK was grappling with the consequences of the decision to allow dual citizenship. Since the 1962 controls were based on the issuing authority of passports, and a passport issued in another independent country by a UK High Commissioner was technically issued by the UK government, rather than on its behalf, all those who retained British citizenship after independence of their Commonwealth country were exempt from immigration controls. However, some countries chose to recognize dual citizenship, so by the late 1960s, the majority of the 1.25 million CUKCs exempt from controls were also citizens of other independent Commonwealth countries.[554] Though still complicated, any loss of citizenship privileges for these CUKCs would not result in statelessness; they would be "affected by the proposed legislation," but do not "pose as serious a practical or moral problem."[555] This was not the case for Asians in Kenya who retained their citizenship of the UK and Colonies, who should they be subject to immigration controls, while not left stateless, would be left "with no more than the husk of citizenship".[556]

The existence of a promise to Asians in Kenya in 1963 that their ability to migrate to the UK should they face discrimination in Kenya was a major debate in 1968, mainly fought between Conservatives Iain Macleod and Duncan Sandys, and frequently appears in the historiography.[557] Essentially, Sandys, who it seems did in fact make a pledge to Kenyan Asians,

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[554] Callaghan, "Immigration Legislation," CAB 129/135/34, Annex, 1. After the events in Kenya, the government began to recognize other places where this could pose a problem, like for example, South Yemen.
[555] Cabinet Meeting Conclusions, 15 February, 1968, TNA CAB 128/43/13, 7.
[556] Callaghan, "Immigration Legislation," TNA CAB 129/135/34, Annex, 3.
[557] Macleod was Colonial Secretary from 1959-1961 and part of Heath's Shadow Cabinet from 1965-1970. Sandys was Commonwealth Relations Secretary 1960-1964, Colonial Secretary from 1962-1964, and was Shadow Colonial Secretary 1964-1966. Macleod argued that the government had made a pledge to Asians in Kenya that they would not be bound by the 1962 restrictions, and the current government needed to honour this promise. Sandys, supported

categorically denied this position, with the support of Enoch Powell, and Macleod argued that their government did in fact make a promise and was obligated to uphold it, meaning there should not be any legislation enacted that would restrict the ability of Asians in Kenya with British citizenship from migrating to the UK.

There are a few important factors in moving forward with increased controls. First, the Labour Party, who took power in 1964, was not involved in the private negotiations of Kenyan independence and therefore were not aware of any promises made, and ultimately could not be bound by a previous parliament.[558] Second, there was no specific "loophole" created for Asians in Kenya in the 1962 legislation, rather it protected anyone who retained their CUKC status. The debate was really concerned with whether enacting new restrictions would be breaking a promise, as there were no special rules within the existing legislation. It took the contingent combination of immigration controls based on the issuance of passports, African decolonization policy, and Kenya's citizenship scheme that came together to create the conditions in which thousands of East African Asian CUKCs retained uncontrolled access to the UK.[559] Finally, as in 1948, the British government "relied on the naive hope that the Asians would not exercise their right to enter Britain."[560] Whether or not a promise was made, nothing was formal and therefore unenforceable. However, this episode shows the decreasing importance of the Commonwealth and the decreasing importance of British obligation to Commonwealth principles.

Introducing additional legislative controls created many potential problems for the UK, so before making the decision to legislate, cabinet wanted to see if there was anything that could

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by Enoch Powell, denied these claims. For more on this episode see: Hansen, *Citizenship and Immigration in Post-War Britain*, chap. 7.

[558] Hansen, *Citizenship and Immigration in Post-War Britain*, 174.

[559] Hansen, *Citizenship and Immigration in Post-War Britain*, 176–78.

[560] Hansen, *Citizenship and Immigration in Post-War Britain*, 176.

be done to reduce the flow of migrants from Kenya to the UK. First, the UK reached out to Kenya to see if they could be convinced to alter their policies. Consultations with Kenya did not have a favourable outcome for the UK, and Kenya indicated "they were not willing to take any action publicly to reassure Asians who were not citizens of Kenya about their future."[561] Callaghan also reported that President Kenyatta suggested that in order to reduce the numbers of Asians arriving in the UK, the UK should make a statement that they would not take away rights of entry from passport holders. Callaghan argued a statement should not be made because the main reason for their leaving Kenya is the country's Africanization policies, which Kenya made clear "they will not moderate."[562] If they could not stay in Kenya, the UK was interested in seeing if arrangements could be made with India and Pakistan to take in the migrants and thus reduce the number coming to the UK.

The legal relationship between India and the migrants was different than that between the migrants and Kenya and the UK. While there were ancestral connections to the subcontinent, as previously discussed, India had encouraged Indians in East Africa to put down roots in their new African homes, rather than India. Moreover, as Home Secretary Callaghan explained, these people only left India because of the "British empire," and therefore some could argue "that we have an obligation to accept the consequences, as other consequences of the end of the Empire."[563] When asked about accepting migrants in February 1968, Callaghan explained that he understood "India and Pakistan would raise no objections to entry, but are not prepared to say

[561] Cabinet Meeting Conclusions, 22 February, 1968, TNA CAB 128/43/14, 4.
[562] James Callaghan, "Asian Immigration from East Africa," 21 February, 1968, TNA CAB 129/136/2, 4. There were also the concerns of the remaining 1.25 million CUKCs who currently enjoy rights of entry, many of which do not live in Kenya that should be controlled.
[563] Callaghan, "Immigration Legislation," TNA CAB 129/135/34, Annex, 3.

anything which make it easier for the East African Governments to adopt discriminatory attitudes."[564]

India was determined that Britain should live up to the rights it guaranteed to CUKCs, and in February 1968 announced it would not allow entry to Asians with British passports; India argued the choice to keep their British citizenship had "terminated Indian responsibility."[565] An agreement between India and the UK was reached by the summer, and in "July 1968, India agreed to issue long-term visas guaranteeing permanent settlement to Indians who were compelled to leave Kenya for economic reasons and whose U.K. passports were endorsed by the British High Commission in Nairobi, giving them the "unqualified right to entry" into the United Kingdom."[566] In this way, migrants could choose to come, and stay permanently in India, but the UK was not completely relieved of its legal obligations to its own citizens.

On February 22, 1968, Callaghan announced that his government would be introducing a bill to increase immigration controls on Commonwealth immigrants.[567] The goal would be to limit "citizens of the United Kingdom holding United Kingdom passports who have no substantial connection with this country," and would apply to the "present rush of immigrants from East Africa."[568] The Bill needed to move quickly through parliament because of the risk of large numbers of migrants coming to the UK as soon as pending controls are announced, but before the implementation of new controls.[569]

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[564] Callaghan, "Asian Immigration from East Africa," TNA CAB 129/136/2, 4.
[565] Lall, *India's Missed Opportunity*, 100.
[566] Aiyar, *Indians in Kenya*, 293.
[567] James Callaghan, "Commonwealth Immigration," 22 Feb, 1968, UK Parliamentary Debate, H.C., 5th ser., vol. 759 (1968), col. 659.
[568] Callaghan, "Commonwealth Immigration," 22 Feb, 1968, vol. 759, col. 659.
[569] Callaghan, "Immigration Legislation," TNA CAB 129/135/34, 2. In a draft of the 1965 White Paper, Bowden reported that in the period of January 1961 - June 30, 1962 (the day before the 1962 controls came into effect), the net increase of Commonwealth citizens was 231,300. Numbers in this 18-month period were approximately 170,000-210,000 more than any other year from 1955. Herbert Bowden, "Commonwealth Immigration," 23 July, 1965, TNA CAB 129/122/9, Annex A, 1-2.

Under pressure to not completely abandon Asian British citizens in Kenya, there was a special quota specifically for this population introduced. It was recognized in 1968 that the UK contributed to this crisis "by permitting the retention indefinitely of United Kingdom citizenship for those who did not opt for Kenya citizenship or acquire it automatically, [which] removed the incentive for genuine integration," and that "the rush [of migrants arriving in the UK] was accelerated by fears that the doors might be closed to them by Britain."[570] The arguemnt was that they were not technically depriving these citizens of their right to come to the UK or going back on any promise that may have been made during Kenyan independence since it is now "possible for immigrants from East Africa to arrive here at a rate at which they can be absorbed into the community. The effect will be that those wishing to come will have to wait their turn."[571] This was suggested to be about 1,500 vouchers per year for heads of households, who could then also bring their dependents, meaning the annual number would be quite a bit higher.

Of course, though there was widespread support for increasing restrictions, not everyone wanted to pass more controls. Prior to the introduction of the Bill, Secretary of State for Commonwealth Affairs George Thomson, wrote to cabinet about his dissent to the impending legislation on moral grounds, concerns over international legal obligations, and that it was "certain to provoke great bitterness in many Commonwealth countries…that Her Majesty's Government, motivated by racial prejudice, were openly discrimination against coloured citizens."[572] Thomson was not alone in his criticisms. Ben Whitaker, Labour MP for Hampstead, for example, argued that the Bill was passing through Parliament too quickly; was liable to

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[570] Under-Secretary for State of the Home Department, David Ennals, claimed this fear came from comments and speeches made by Powell and Sandys that indicated legislation should or may be introduced. David Ennals, "Commonwealth Immigrants Bill," 27 Feb, 1968, UK Parliamentary Debate, H.C., 5th ser., vol. 759 (1968), col. 1356-1357.
[571] James Callaghan, "Commonwealth Immigration," 22 Feb, 1968, vol. 759, col. 659.
[572] George Thomson, "Immigration Legislation," 12 February, 1968, TNA CAB 129/135/35, 2.

condemnation at the European Court of Human Rights, the Hague, the UN, and throughout the Commonwealth; and was "barely disguised white preference."[573]

In defence of the Bill, Callaghan reminded Parliament that in 1961, Butler made it clear that the goal of the immigration controls was to apply to all those except people who were born and lived in the UK, "whose ancestors had been [b]orn here, whose forebears were born here, and who had lived here for a number of years."[574] The way it currently stood, those CUKCs living in independent Commonwealth countries had a right to enter the UK that those in Colonies did not enjoy.[575] He dismissed claims of racialism by claiming that this was a "geographical, not racial," criteria, and reiterated that citizens of places like Australia, Canada, and New Zealand were already subject to controls from 1962.[576] Though the government adamantly proclaimed this was not a racially motivated policy, it clearly was. Ennals explained that "the Bill is not inspired by motive of racial discrimination," but went on to say that the government has "a heavy responsibility…to promote good race relations in Britain…We are determined to avoid the situation which has developed in the United States, where patterns of prejudice and discrimination have created an under-privileged indigenous minority, many of whom react violently against what they conceive to be second-class citizenship."[577]

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[573] Whitaker was just one of many MPs who were vocal in their disapproval of the Bill. Ben Whitaker, "Commonwealth Immigrants Bill," 27 Feb, 1968, vol. 759, col 1343. Cabinet also recognized that there were concerns that further controls could contravene articles in the European Convention of Human Rights. The enforcement mechanism, the European Commission of Human Rights, had already heard 2 complaints from Commonwealth citizens resulting from the 1962 legislation. Callaghan, "Immigration Legislation," TNA CAB 129/135/34, Annex, 4.

[574] Callaghan, "Commonwealth Immigration" 22 Feb, 1968, vol. 759, col. 1249.

[575] Callaghan explained to cabinet that "The strongest argument for extending our control to include the exempt citizens of the United Kingdom and Colonies is perhaps the straight-forward one that they have no greater claim on merits to settle in the United Kingdom than have Commonwealth citizens living in independent Commonwealth countries or citizens of the United Kingdom and Colonies living in colonies. The full extent of the problem was by no means realized when the Act of 1962 was passed." Callaghan, "Immigration Legislation," TNA CAB 129/135/34, Annex, 3.

[576] Callaghan, "Commonwealth Immigration" 22 Feb, 1968, vol. 759, col. 1251.

[577] David Ennals, "Commonwealth Immigrants Bill," 27 Feb, 1968, vol. 759, col. 1359.

As in 1965, the Labour government attempted to temper immigration controls with a new version of the Race Relations Act, set to be introduced a few weeks later.[578] In a memo to cabinet and in Parliament, Callaghan explained the government's approach to deal with both immigration and integration or race relations as part of a "fair" and "balanced" policy, similar to the 1965 White Paper.[579] Of all Commonwealth immigrants, South Asians were considered the most difficult to integrate into British society because they "tended to concentrate in particular localities."[580] Large, concentrated communities of Asians threatened "efforts to create a multi-racial society," and cabinet felt that the Race Relations Bill "would be jeopardized if nothing were done to reduce the present flow of Asian immigrants from Kenya."[581]

The 1968 Commonwealth Immigrants Bill moved through parliament extremely quickly. The Second Reading occurred only a few days after the introduction, and on March 1, 1968, one week after it was introduced, the Commonwealth Immigrants Act received Royal Assent. As with the 1962 controls, this law functionally made changes to British nationality law, but did so through the mechanism of immigration law, rather than the British Nationality Act. By the late 1960s, attitudes toward the Commonwealth in Britain were fundamentally different than those espoused at the 1947 Commonwealth Conference on Nationality and Citizenship. The events of 1968 were a culmination of the UK's diminishing interest in the Commonwealth. The Kenyan Asian crisis, the Commonwealth Immigrants Act, and the second application to the EEC

[578] The Bill would fill the gap of employment and housing that was missing from the first version. Callaghan, "Commonwealth Immigrants Bill," 27 Feb, 1968, vol. 759, col. 1242.
[579] Callaghan, "Commonwealth Immigrants Bill," 27 Feb, 1968, vol. 759, col. 1242; Callaghan, "Immigration Legislation," TNA CAB 129/135/34, 2.
[580] Cabinet Meeting Conclusions, 15 February, 1968, TNA CAB 128/43/13, 8.
[581] Cabinet Meeting Conclusions, 15 February, 1968, TNA CAB 128/43/13, 8.

"confirms the importance of 1968 as a landmark year in the attenuation of Labour's commitment to the Commonwealth."[582]

Conclusion

The 1960s saw the most significant steps taken to define British nationality since the 1948 British Nationality Act. While in 1948 the Commonwealth was the foundation of British nationality and citizenship, by the 1960s this connection was being eroded through immigration controls, which functionally recreated and redefined what it meant to be British. These controls were precipitated by growing South Asian populations in the UK. Though the Commonwealth had lost most of its significance by the late 1960s, Patel argues that still, regardless of how "serious the immigration threat, British governments and officials would not sacrifice the 1948 British Nationality Act, since it was the constitutional centrepiece of a supposedly British-led Commonwealth."[583] However, Britain had also tied its own nationality and citizenship to the Commonwealth through the 1948 Act. Changes to the Act therefore not only represent an abandonment of Commonwealth ideals, but also required changes to extremely important legislation.[584]

Nevertheless, while there was still a complex legal labyrinth propped up by the 1948 Act, further erosion of inclusive citizenship and immigration rights continued until the 1948 Act was finally replaced in 1981. In 1971, a new Immigration Act was passed. This 1971 Act continued to undermine the rights of Commonwealth immigrants, and some argue it had as much to do with

[582] Hansen, "The Kenyan Asians," 812.
[583] Patel, *We're Here Because You Were There,* 201.
[584] The UK does not have a constitution in the way that countries like Canada, India, and the United States have, but generally citizenship law is considered a part of constitutional law. Therefore, while it may not require a special political formula to change in the UK, it is still a significant undertaking to make changes to citizenship law directly.

the EEC as the Commonwealth.[585] Consterdine writes that through the Act, "the British government finally resolved that the common bonds of the Commonwealth had eroded. The Act was the final dismantling of universal Commonwealth citizenship, and in this sense, a definitive accepted of the end of the Empire."[586] In 1948, "the Colonies become one community with the United Kingdom for citizenship purposes," and by the 1970s, the United Kingdom and the rest of the Commonwealth were distinctly separate.[587] The dwindling significance of the Commonwealth can also be seen through the merger of the Commonwealth Office and the Foreign Office in October 1968 to make the Foreign & Commonwealth Office.[588] The Commonwealth Office went through a few iterations of names and functions as the Empire changed, but after the 1968 merger, the Commonwealth no longer had a dedicated Office in government.

The presence of South Asian immigrants in the UK had resulted in fundamental changes to the way that British nationality was conceived and altered the significance of the Commonwealth. In the early 1970s, another crisis of Asians in East Africa, this time from Uganda, would result in thousands of Asian CUKCs leaving for the UK. In the new legal apparatus of immigration and the circumstances of Idi Amin's expulsion order, this became a truly global event and saw British citizens accepted as refugees in Britian and around the world. Among other things, the Uganda Asian crisis demonstrates how the Commonwealth was no

[585] Consterdine, "Community Versus Commonwealth"; Callum Williams, "Patriality, Work Permits and the European Economic Community: The Introduction of the 1971 Immigration Act," *Contemporary British History* 29, no. 4 (October 2, 2015): 508–38.
[586] Consterdine, "Community Versus Commonwealth," 2.
[587] Wade, "British Nationality Act, 1948," 70.
[588] The Foreign & Commonwealth Office merged with the Department for International Development in 2020 to become the Foreign, Commonwealth & Development Office.

longer an organization that operated to facilitate and maintain connections across the former British Empire. Adherence to the principles of universal British subjecthood had officially ended.

Conclusion

Britain began the post-war period committed to maintaining close connections with the empire and Commonwealth. As the independent countries of the Commonwealth developed distinct citizenships, the principles of universal subjecthood and rights of entry to the British metropole were enshrined by the UK through the 1948 British Nationality Act. Almost immediately, people of colour from the Colonies exercised these legal rights to come to the UK. In 1962, as the Empire was declining, and at home the UK was facing increasing populations of Commonwealth immigrants and nativist pressures, Macmillan's Conservative government passed the Commonwealth Immigrants Act. This was the first UK law to restrict Commonwealth citizens. However, the nationality scheme enshrined in the 1948 Act still afforded citizenship to more than a million people living in former Colonies of the United Kingdom and Colonies, and the mechanisms of control in the 1962 Act no longer applied to CUKCs living in independent states with passports issued by High Commissions.

The Kenyan Asian crisis contributed to the introduction of the 1968 Commonwealth Immigrants Act, which based rights of entry on a direct connection to the UK. Though the category was still called citizenship of the United Kingdom and Colonies, immigration control was now exercised against those who were not currently living in the UK or did not have an ancestral connection to the UK through their parents or grandparents.[589] This functionally prohibited colonized people not already in the UK from accessing the immigration rights formerly enjoyed by all CUKCs. This thinly veiled race-based policy not only challenged international law, but demonstrated a complete break with the commitment to principles of

[589] Commonwealth Immigrants Act 1968 (c. 9) s.1.

mobility and Commonwealth unity earlier in the century. Another migration event of South Asians from East Africa, this time from Uganda, occurred only a few years later. The circumstances of the forced expulsion contributed to a greater international response, but the UK also purposefully shaped the events in Uganda as an international refugee crisis, when really a majority of those expelled were citizens of the UK and Colonies with a desire to enter the country of their citizenship.

On August 5, 1972, Ugandan leader Idi Amin announced that South Asians must leave Uganda. This shocking, but not unpredictable, action was the culmination of years of negative attitudes and policies aimed at South Asians. Much of the imperial, demographic, and regional context for the Ugandan Asian Crisis is comparable to what happened in neighbouring Kenya in the 1960s. South Asians had a long history in the region, arriving as merchants, traders, and indentured labourers, and eventually filling the middle economic and political positions in East Africa. However, there is also some important local context in Uganda. Unlike Kenya, a crown colony with a sizable British white-settler population, Uganda was protectorate and was not home to many white Britons.[590] There were about 8,000-10,000 British Protected Persons (BPP) living in Uganda in 1968.[591] Additionally, in October 1971, the UK passed new immigration legislation, which did not exist for those leaving Kenya.

The 1971 Immigration Act made significant changes to categorizing and defining those subject to immigration control. The Act introduced the "right of abode in the United Kingdom," which allowed people to enter, leave, live, and work in the UK. Those enjoying the right of

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[590] Patel, *We're Here Because You Were There*, 245.

[591] P. M. Foster, "Asian Immigration into U.K," 28 August, 1968. TNA HO 344/327. BPP was one of the categories included in the 1948 *British Nationality Act.* BPPs were not aliens, but were also not British subjects (with or without citizenship) and were thus afforded different rights and obligations on the part of the individual and the British state.

abode were called "patrials."[592] Patrials were CUKCs who became citizens by being born, adopted, or naturalised in the UK or any of the Islands; or whose parent(s) were CUKCs by virtue of their birth, adoption, or naturalisation in the UK and Islands, or by descent if their parent was a CUKC through this UK connection; or has been living in the UK and Islands for at least 5 years; or is a Commonwealth citizen whose parent is a CUKC by virtue of their birth in the UK and Islands.[593] This Act also served to combine controls for aliens and Commonwealth citizens into one statutory instrument, which had been an election promise made by Heath's Conservative government in 1970.[594]

The 1971 Act was not connected to a specific population or event of migration.[595] Nevertheless, in practice those from the New Commonwealth would be impacted more than those from the Dominions. Ever since the 1962 Commonwealth Immigrants Act, citizens of the Dominions were subject to immigration controls, as they were Commonwealth citizens but not CUKCs. However, under the 1971 Act, many citizens of the Dominions would qualify as patrials due to their connections through their parents. Cabinet considered making it even easier for those from the Dominions to enter the UK, by releasing "all citizens of the "old" Commonwealth countries and not merely those with one United Kingdom-born grandparent," from immigration controls, which would have been "welcome in the "old" Commonwealth and this country."[596] Ultimately, cabinet concluded that this kind of action would make it impossible to argue that

[592] Immigration Act, 1971 (c. 77) s. 2(6).
[593] Immigration Act, 1971 (c. 77) s. 2(1). The UK and Islands refers to the United Kingdom, Channel Islands, and Isle of Man.
[594] Karatani, *Defining British Citizenship*, 164.
[595] Consterdine argues that one of the biggest reasons for the 1971 Act was the UK's entrance in the EEC. Rather than specifically addressing an increase in Commonwealth immigration, she explains it was enacted to offset the "impending wave of now permit-free foreign labour from the EEC." Consterdine, "Community Versus Commonwealth," 2.
[596] Cabinet Meeting Conclusions, 5 January, 1971, TNA CAB 128/49/1, 7.

they were not being discriminatory against the "new" Commonwealth and "was contrary to the concept of the Commonwealth as a multi-racial institution."[597]

This legislative action by the Conservative government is a continuation of the attitudes and policies since the 1940s. The British were keen to maintain their connections with the white Dominions, but this was in tension with their larger ideas of Commonwealth equality in an increasingly multi-racial organization. In order to avoid accusations of racism, various British governments began limiting all Commonwealth immigration, even if the goal was only non-white Commonwealth immigrants. It was as they were confronted with the realities of non-white Commonwealth immigration that they enacted controls that limited Dominion immigration. In 1971, as they began consolidating their immigration policy, they were able to devise a policy that allowed for some Commonwealth citizens in the Dominions to be released from immigration controls for the first time since 1962. However, potential criticisms stopped Heath's government from proposing legislation that would allow for all those from the Dominions to enter the UK freely, even though this was still a desirable policy.

Throughout the second-half of the twentieth century, various UK governments were navigating the tension between the desire to implement immigration controls and social, cultural, political, and diplomatic pressures that influenced when and how controls were passed. Over time, these pressures and their sources changed. Earlier in the century, around the 1940s and early 1950s, the principles of the Commonwealth and the relative power of the British Empire encouraged British policymakers to maintain universality within the Commonwealth. As

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[597] Cabinet Meeting Conclusions, 5 January, 1971, TNA CAB 128/49/1, 7. Moreover, cabinet acknowledged it would be almost impossible to create a criteria that would allow for those from the Dominions to come to the UK without restrictions while subjecting other Commonwealth citizens to controls. As it was, many Commonwealth citizens in the Dominions were still subject to controls since those who emigrated to the Dominions more than two generations ago would not be considered patrials, "even though their origins might be purely British." TNA CAB 128/49/1, 8.

Commonwealth immigration increased, policymakers felt pressure to legislate against all Commonwealth citizens, in order to maintain Commonwealth principles. By the late 1960s, as the empire and Commonwealth were in decline, new pressures of international law and European connections became more important. Though the pressures to seem race-neutral remained, the differing sources of pressure demonstrate how the Commonwealth, and Britain's continued investment in Commonwealth principles, deteriorated over time. Consterdine argues the 1971 Act "was the final dismantling of the universal Commonwealth citizenship and, in this sense, a definitive acceptance of the end of the Empire."[598] This was the new landscape of immigration controls that Ugandan Asians faced in 1972.

Prior to Amin's seizure of power in 1971, there were serious concerns about the future of Asians in Uganda under former president Milton Obote. In July 1968, High Commissioner to Uganda, David Scott, wrote to the Commonwealth Office that "the Uganda Governemnt have now settled their long-term policy, which is to reduce the present Asian population from some 80,000 people to about 20,000 over the next five years."[599] Based on their experience in Kenya, British officials were attempting to sort out the legalities of various citizenship and subjecthood categories, which was further complicated in Uganda by the presence of thousands of BPPs.

Uganda achieved independence in 1962. Britain's Uganda Independence Act added Uganda to the list of Commonwealth countries described in the 1948 British Nationality Act whose citizenship also confers British subjecthood, and explained that BPP and CUKC status will be lost upon becoming a Ugandan citizen.[600] As in Kenya, many Ugandan Asians chose not

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[598] Consterdine, "Community Versus Commonwealth," 2.
[599] D. A. Scott, Letter to E. G. Norris, 18 July, 1968, TNA HO 344/327. This was based on a reliable, but unofficial source. Obote and his government were aware of the "chaos" that occurred in Kenya and did not want a repeat in Uganda.
[600] Uganda Independence Act, 1962 (c. 57) s. 2. Uganda's 1962 Constitution outlined the way that CUKCs and BPPs could become Ugandan citizens, disallowed dual citizenship, and recognized Ugandan citizens as

to take up local citizenship.[601] The difficulty in obtaining local citizenship, as well as the option to retain their UK citizenship contributed to so many East African Asians choosing not to become Kenyan or Ugandan citizens.[602] The question of the thousands of BPPs in Uganda became increasingly complicated in the late 1960s and early 1970s. The British High Commission was encouraging those BPPs to register for Ugandan citizenship, as they technically did not enjoy citizenship of the UK and Colonies.[603] The rights of BPPs are very limited, and though they can hold UK passports and access British consular services, they are not considered citizens of the UK and Colonies or Commonwealth citizens.[604] Their lack of CUKC status meant that BPPs have been subject to immigration control since 1962.[605]

Under Ugandan citizenship law, those who acquired citizenship had three months to renounce their UK citizenship or else their new Ugandan citizenship would not be granted and they would revert to their former citizenship status.[606] The logistical challenges of shipping paperwork from Uganda to the Home Office in London, processing it and sending it back to Africa meant the three month deadline was difficult to meet. Thus, in 1962, a "gentleman's agreement" was reached between the Home Office and the Uganda Immigration Department,

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Commonwealth citizens. The Constitution of Uganda 1962 chapter II Citizenship. Uganda passed a new constitution in 1966 which contained many significant changes, however, there were no changes to the clauses on citizenship at this time. H. F. Morris, "The Uganda Constitution, April 1966," *Journal of African Law* 10, no. 2 (1966): 113.

[601] John Mattausch, "From Subjects to Citizens: British 'East African Asians,'" *Journal of Ethnic and Migration Studies* 24, no. 1 (1998): 132; Cosemans, "Undesirable British East African Asians," 8.

[602] Cosemans, "Undesirable British East African Asians," 8. There were also complicated citizenship regimes practiced within families, where each member would have a different citizenship so as to allow the family unit more security and potential mobility. For more see, for example: Cecil Marie Schou Pallesen, "'Two Feet' as Citizenship Strategy: An Anthropological Perspective on Instrumental Approaches to Citizenship among People of Indian Origin in Tanzania," *Journal of the Indian Ocean Region* 13, no. 3 (2017): 297–310.

[603] Cosemans, "Undesirable British East African Asians," 8.

[604] UK Home Office, "British Protected Persons," August 3, 2021, 5, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012930/British_Protected_Persons__V3_.pdf. British Nationality Act, 1948 (c. 56) s. 32(1).

[605] Cosemans, "Undesirable British East African Asians," 6–7.

[606] A. F. Knight. "Asian Immigration into U.K.," 13 August, 1968, TNA HO 344/327.

that as long as the renunciations were received in London within three months they would be honoured, even if they were not processed in time.[607] In 1968, A. F. Knight at the British High Commission in Kampala wrote that the Uganda Immigration Department "have now gone back on this "gentleman's agreement," and expressed concerns that a large number of renunciations will be deemed invalid and result in losses of Ugandan citizenship for those involved.[608]

Again, the position of thousands of BPPs was even further complicated by their precarious citizenship status. Since the BPPs were not technically British citizens, under British nationality law, upon their registration for Ugandan citizenship, British officials did not require a formal renunciation of any status in the UK. However, Ugandan officials at the Immigration Department "did not accept that protected persons had no formal citizenship to renounce," and therefore none of the 8,000 BPP applications were processed in Uganda.[609] Though the High Commissioner in Uganda felt the UK could make a convincing argument that BPPs were never UK citizens, and therefore they would not be held responsible. However, Scott also recognised that "the Ugandan government counted on the international community to recognise the Asians as a British responsibility."[610] If the UK were to make a convincing argument that they were not responsible for BPPs, to maintain their international credibility, and to adhere to international law, the UK would have to be accepting of UK citizens should they need to leave Uganda. Before indications of Amin's expulsion, Scott and UK officials "hoped that by the time it would

[607] Knight, "Asian Immigration into U.K.," TNA HO 344/327.
[608] Knight, "Asian Immigration into U.K.," TNA HO 344/327. Knight's concerns stemmed from the response from one of Uganda's Immigration Officers who explained there was no evidence of any kind of agreement for "renunciations that were registered out of time," and any that "come to light will not be accepted." W. L. Mukasa, "Renunciation of citizenship of the United Kingdom and Colonies," 22 July, 1968, TNA HO 344/327.
[609] Cosemans, "Undesirable British East African Asians," 15.
[610] Cosemans, "Undesirable British East African Asians," 15.

come to an exodus of Ugandan Asians, the number of legitimate British citizens among them would be substantially reduced."[611]

Long before Amin's expulsion policy, Obote's anti-Asian Africanisation policies had resulted in approximately 24,000 Asians leaving Uganda between 1969 and 1971.[612] Nevertheless, he told *The Times* in 1969 that while "Asian holders of British passports," could likely remain in Uganda for now, "if they are doing a useful job," there may come a time when Uganda "will inform the British Government that we have some of its citizens whom it should perhaps consider settling."[613] British officials wanted to put these concerns on the agenda of the upcoming Commonwealth Meetings in 1969 and 1971. However, before Obote had returned from the 1971 Commonwealth Heads of Government Meeting in Singapore, Amin seized power in a military coup on January 25.

Following Amin's rise to power, the future of Asians in the country remained uncertain. Though there had been some clear indications of restrictions, Ugandan anthropologist and political scientist, Mahmood Mamdani, wrote in his memoir that the expulsion was still incredibly surprising. He described Amin's announcement that "The Asians must leave," as "a thunderbolt out of the blue," but continued to say that,

> Admittedly, only a year after the January 1971 coup there was a head count of Asians only. Everyone was issued with a *Green Pass.* All movement was forbidden without it. In December Amin had called a special conference of Asian leaders and presented them with a list of 'Asian business malpractices.' In retrospect, all these events preceeded [sic] the

[611] Cosemans, "Undesirable British East African Asians," 15.
[612] Shezan Muhammedi, "'Gifts From Amin': The Resettlement, Integration, and Identities of Ugandan Asian Refugees in Canada" (PhD dissertation, University of Western Ontario, 2017), 89.
[613] John Young, "Fragile Peace in Uganda," *The Times,* 22 July, 1969, TNA HO 344/327.

> expulsion order, but at the time nobody expected anything so drastic to happen. Only the day before Amin had said he considered the Asians the responsibility of the British, but people just thought he was performing a series of public gestures which might prove popular in the absence of any substantive policy.[614]

Amin's decree in early August stated that Asians would have three months to leave the country, with the official deadline to leave on November 8, 1972.[615]

Due to the various types and categories of British nationality (including BPPs who were not technically citizens), local citizenship, and the intersections between British, Ugandan, and international law, dealing with the legal status of Ugandan Asians in the fallout of the expulsion was incredibly complicated. This was further complicated by the use of the term refugee, which holds its own legal, social, and moral definitions and connotations. British newspapers tend to refer to Ugandan Asians entering the UK as refugees.[616] However, only Asians holding citizenship of the UK and Colonies were accepted in the UK.[617] Though certainly these

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[614] Mahmood Mamdani, *From Citizen to Refugee: Uganda Asians Come to Britain* (London: Frances Pinter, 1973), 12–13. Though not necessarily an indication of Amin's plans to expel Asians from Uganda, this was not the first time that Amin had expelled a group from Uganda; he had ordered the removal of Israelis from Uganda in March 1972. Muhammedi, "Gifts From Amin," 88.

[615] Muhammedi, "Gifts From Amin," 88. The period after the decree was very complicated and there was frequent changes. For example, since Asians tended to hold positions in public service, including education, medicine, and civil service, Amin declared there would be an exemption for professionals. This was later retracted and caused great confusion. Muhammedi, "Gifts From Amin," 90; Mamdani, *From Citizen to Refugee*, 19.

[616] See for example: "Safe Home from Uganda, Nor'east Wife Is Reluctant to Talk," *Aberdeen Press and Journal*, September 27, 1972, British Newspaper Archive; "Minister WRVS Turn Up Trumps for Asian Refugee," *East Kent Times and Mail*, February 28, 1973, British Newspaper Archive; "Last Asian Refugee Family," *Atherstone News and Herald*, January 19, 1973, British Newspaper Archive; Christopher Walker, "Uganda Refugees: The Harsh Results of Honourable Action," *The Times*, November 8, 1972; "Gaydon Camp Worker Weds Uganda Asian," *Coventry Evening Telegraph*, December 27, 1972, British Newspaper Archive; "Uganda Asians Are Finding Life so Pleasant in Camps They Are 'making No Effort' to Seek Homes," *The Times*, November 2, 1972; "New Laws Will 'Split Families,'" *Middlesex County Times*, January 26, 1973, British Newspaper Archive; "Preview," *Coventry Evening Telegraph*, May 30, 1973, British Newspaper Archive. Muhammedi describes that, similarly, Asians from Uganda that came to Canada were called refugees by the Canadian media and public "to reflect the reality of their displacement." Muhammedi, "Gifts From Amin," 36. In his memoir, Mamdani "used the word refugee with some hesitation," grappling with what a term like refugee does to attribute or negate individual agency. Mamdani, *From Citizen to Refugee*, 7–8. The term refugee is still the most common term used today.

[617] Cosemans, "Undesirable British East African Asians," 4.

populations were forcibly displaced, and removed from their country of residency, they cannot really be considered refugees since they entered the country as citizens. The only reason the UK did not accept them immediately was because certain British citizens had been subject to increasing immigration controls since 1962. The true refugees, in a legal sense, were those that were unable to remain in Uganda and ultimately rendered stateless, which included former Ugandan citizens and BPPs. Technically BPPs never held a citizenship, as their status does not afford them the status of a CUKC. However, the British were acutely aware that the consequences of their and Uganda's actions would result in the statelessness of thousands of former British Protected Persons.

Those expelled from Uganda settled in countries around the world. The UK ultimately accepted almost 30,000 Asians from Uganda.[618] They were managed through the Uganda Resettlement Board and frequently housed in camps upon arrival in the UK.[619] As with the linguistic transition from British subjects to Commonwealth immigrants, calling British citizens and passport holders refugees eroded perceived rights of entry and belonging. However, the moral implications of refugee status allowed for the UK to garner domestic and international acclaim for accepting people, that while they were subject to immigration controls, were still technically British citizens. The British and international response to the expulsion tends to laud the UK for their humanitarianism. However, Nadine El-Enany argues that the understanding of a "generous response from the British authorities," was really "another instance of the British

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[618] This was less than half of the more than 70,000 Asians that were expelled. Nadine El-Enany, *(B)Ordering Britain: Law, Race and Empire* (Manchester University Press, 2020), 123.

[619] The Uganda Resettlement Board was designed to disperse Asians throughout the country, to avoid increasing concentrations of Asian and other minority communities. Overtime, the desire to join family, friends, and established South Asian communities, resulted in many Ugandan Asians moving to existing communities in London and Leicester. Joanna Herbert, "Oral Histories of Ugandan Asians in Britain: Gendered Identities in the Diaspora," *Contemporary South Asia* 17, no. 1 (March 2009): 24–23. The second half of Mamdani's memoir deals with his experiences in British resettlement camps. Mamdani, *From Citizen to Refugee*.

government's alienation of racialized citizens of the United Kingdom and Colonies, further illustrating the fragility of colonial legal status for racialised populations."[620] It is clear that by the 1970s, claims of Commonwealth citizenship made by South Asian British subjects did not hold weight in the UK. The Commonwealth still functioned as a diplomatic organization, but in addition to the lack of formal agreements on the rights of Commonwealth citizens, principles of unity and the rights of universal British subject had eroded completely for non-white Commonwealth citizens.

India responded to the crisis in Uganda very similarly to that in Kenya only a few years earlier. They wanted it ensured that Britain would be held responsible for their own citizens and nationals in East Africa as there were concerns that "India would become a 'dumping ground' for the refugees."[621] This was coupled with India's general unhappiness with the restrictions that had been placed in Indian migrants through the 1962 and 1968 Commonwealth Immigrants Acts. Ultimately, a deal similar to that for Kenyan Asians allowed for India to accept up to 15,000 British Asians from Uganda, if there was a formal guarantee that any migrant could return to the UK should they so choose.[622] This was in line with established Nehruvian policy of decolonization and anti-imperialism, and solidified India's position of moving away from the Indian diaspora that was so significant in the mid-twentieth century.[623]

Canada, another Commonwealth country, accepted approximately 6,000 Ugandan Asians. The Canadian admission of thousands of Ugandan Asians is understood in Canada as part of the national narrative of Canadian immigration.[624] Britain did make an appeal to the

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[620] El-Enany, *(B)Ordering Britain*, 121–22.
[621] Lall, *India's Missed Opportunity*, 118.
[622] Lall, *India's Missed Opportunity*, 118.
[623] For India's changing relationship with the diaspora, see Lall, *India's Missed Opportunity*, especially chapter 3.
[624] Traditionally, this topic has been overlooked in Canadian scholarship but is increasingly visible in the historiography and public. Shezan Muhammedi's 2017 dissertation was "the first full length historical and academic

Commonwealth to help absorb displaced Asians from Uganda, and the Canadian government "framed part of their response on adhering to a sense of brotherhood amongst Commonwealth countries."[625] However, the Canadian government was motivated by a number of factors to accept Ugandan Asians. As Shezan Muhammedi explains, those Asians still residing in Uganda were not technically considered refugees under the legal definition of the United Nations. This meant that though Canada could present themselves as humanitarians responding to a crisis, they were not obligated to accept migrants under more relaxed criteria, nor were they "responsible for any further minority expulsion globally."[626] The Canadian government could screen and admit Ugandan Asians under their established points system, which allowed them to take in desirable immigrants, most of whom "would largely qualify under normal immigration criteria."[627] This is not to say Canada responded only out of self-interest or did not help thousands of displaced Ugandan Asians. Rather, it emphasizes the way that Commonwealth citizenship did not confer any legal rights of entry. Though appealing to Commonwealth connections may have benefitted Canada's reputation within the organization and their relationship with the UK, it was overstated as motivation and did not reflect any adherence to principles of Commonwealth unity or universality; these events were unfolding simultaneously with the initial implementation of Canada's official policy of multiculturalism.[628]

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analysis of the Ugandan Asian refugee community in Canada," and has been developed into a monograph coming soon from the University of Manitoba Press. Muhammedi, "Gifts From Amin," 4. Muhammedi also worked with Carleton University Library on their Archives and Special Collections Uganda Collection (https://carleton.ca/uganda-collection/). Information, items, and stories of "Ugandan Asian refugees" are included in the permanent exhibit "The Canadian Immigration Story," at the Canadian Museum of Immigration at Pier 21 in Halifax, Nova Scotia.

[625] Muhammedi, "Gifts From Amin," 114.

[626] Muhammedi, "Gifts From Amin," 121.

[627] Muhammedi, "Gifts From Amin," 116. Canada received a larger proportion of highly educated people and members of the professional class, while "less skilled" workers and smaller business owners went to Britain and India. Muhammedi, "Gifts From Amin," 235–36.

[628] Canadian Prime Minister Pierre Trudeau told Parliament the Canadian government would be adopting multiculturalism as an official policy in 1971. Inextricably related to English-French relations in Canada, the policy

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The Commonwealth in 2022 is almost unrecognizable from the aspirations and functions of the organization nearly a century ago. Though it was designed as a way to unite the Dominions, the creation of the Commonwealth ultimately served as an important step in the decolonization process. The Dominions were able to use the Commonwealth to assert their independence while firmly remaining within the military, diplomatic, economic, and political sphere of the British Empire.[629] Unsurprisingly, the UK was consistently the most committed to the Commonwealth. Their status as imperial metropole resulted in a stronger commitment to the principles of the universality of Commonwealth citizenship. This began to change, however, as the UK shifted from a country of emigration to one of immigration. India in 1947 was in a much different position regarding its relationship to empire and political independence than the white Dominions were in 1926. Nevertheless, India was able to navigate its transition to independence through the Commonwealth, using the organization to achieve domestic and international goals. Nehru and other Indian officials in the late 1940s and early 1950s were able to capitalize on British desires for an inclusive Commonwealth to transform the British Commonwealth into the multi-racial Commonwealth of Nations.

Already apparent at this time was the inherent contradiction in which the Commonwealth simultaneously buttressed members' national autonomy while emphasizing common and

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was also aimed at non-white communities and those who immigrated from outside the British Empire. The policy has been understood as a way to articulate a kind of national self- and international image and to officially separate Canadian politics from racist policies of the past and cultural racism that persisted and still persists today. Multiculturalism has thus been a significant influence on Canadian culture and identity since the late twentieth century, although there is no consensus on the consequences of the policy or if it has created a more inclusive Canadian identity. Nonetheless, this was another step towards the development of a distinct Canadian identity. Patricia E. Roy, "The Fifth Force: Multiculturalism and the English Canadian Identity," *The Annals of the American Academy of Political and Social Science* 538 (1995): 199–209; Daniel McNeil, "Even Canadians Find It a Bit Boring: A Report on the Banality of Multiculturalism," *Canadian Journal of Communication* 46, no. 3 (2021): 403–29.

[629] Mckenzie, "In the National Interest," 553–76.

inclusive membership. During the years of British Commonwealth, there was of course tension between member autonomy and desires for unity. However, more often than not the interests of the Dominions and the UK overlapped, and when they did not, the idea of the Commonwealth was not yet threatened. Though concerns over the treatment of South Asians in the Dominions, especially Australia and South Africa, were raised during India's negotiated entry, in the late 1940s there was still the hope that a common, universal, and multi-racial Commonwealth could emerge from the British Empire, one in which this tension between autonomy and unity could exist in relative ease, at least in the UK. But the Commonwealth of Nations inherited this internal flaw, and the movement of South Asians, and their existence in white metropolitan spaces illustrated the fundamental discrepancy between principle and practice. The growing presence of South Asians in the UK caused British policy-makers to reckon with their commitment to principles of the Commonwealth.

As the Dominions, beginning with Canada, established their own distinct citizenships for the first time in the 1940s, the UK clung to traditional subjecthood and mobility rights of the British Empire. The 1948 British Nationality Act created several new citizenship categories, with one of the most important being Citizens of the United Kingdom and Colonies. This shift to citizenship was largely influenced by the Dominions, and the UK wanted to reconcile their policies with the Commonwealth. However, much of the specifics of the new British scheme were due to India's membership and voice in the Commonwealth.

The new status of Citizenship of the UK and Colonies made the Colonies "one community with the United Kingdom for citizenship purposes."[630] But at this time, British policy-makers still saw subjecthood and citizenship as intertwined concepts. The language of the

[630] Wade, "British Nationality Act, 1948," 70.

Act was debated between the Houses of Commons and Lords, with the latter favouring subjecthood over citizenship. But Indian and other colonized voices insisted upon citizenship to distance the new scheme from concepts of subjugation. However, that does not mean that suddenly the UK completely reoriented their understanding or relationship with countries and territories of the Empire. For example, while all Commonwealth countries were recognized by the UK as Commonwealth citizens, the language used was more a reflection of Indian insistence, as the UK was originally planning on using the term British subjects to describe those holding citizenship of Commonwealth countries. While not downplaying either the significance of the shift in language nor Indian influence, this can be interpreted as partly an appeasement, rather than fundamental shift in British thinking. British subjecthood was still a popular and significant identifier for the UK and the Dominions. Nevertheless, while functionally Commonwealth citizenship meant the same as British subjecthood, this shift specifically tied the idea of citizenship and common rights to the Commonwealth. When the realities of such an inclusive citizenship scheme were realized, and South Asian migrants increasingly claimed the rights belonging to them, the system was more difficult to dismantle than subjecthood, which does not specifically entail rights the way citizenship does.[631]

In the beginning, all British subjects, or Commonwealth citizens, were granted almost identical rights. Though in 1948 there existed distinct categories of CUKCs and ICCCs, they both enjoyed status as British subjects, or Commonwealth citizens. Amongst criticisms that the 1948 Act did not do enough to incorporate the Dominions into official UK citizenship, functionally all British subjects were granted unrestricted mobility rights, special naturalization

[631] This is especially significant as the 20th century progressed and aspects of citizenship were codified in international law.

privileges, and voting rights.[632] However, much of this scheme of extremely inclusive citizenship and mobility rights was premised on the fact that British policy-makers did not consider the possibility of large-scale migrations of colonized and formerly colonized people to the shores of the UK. Both British commitment to principles and Indian desires for a multi-racial Commonwealth contributed to the statutory backing of the Commonwealth in 1948. But as South Asians continued to claim and attempt to exercise their rights as Commonwealth citizens and CUKCs, Britain continued to curtail their ability to do so.

The historic inherent inequalities and contradictions of imperialism were evident from 1948. As the *Empire Windrush* docked in the UK, carrying with it the reality and symbol of colonial migration to the UK, there were backdoor negotiations in place to ensure Commonwealth migrants were restricted at their point of departure. Though this was not an official challenge to their own statutory structure, it indicated that British commitment to Commonwealth unity and principles of free movement could buckle when facing the realities of mass migration to the UK. The Commonwealth continued to change through the 1950s, and the numbers of migrants from the current and former colonies, especially those of South Asian descent, arriving in the UK reached unprecedented levels.[633] This was paired with a rise in far-right, anti-immigration rhetoric throughout the UK and increased calls for immigration control. Simultaneously, the Commonwealth as an organization was losing its international prestige, both real and potential, the EEC became more desirable to the UK, and global independence

[632] Emigration schemes between the UK and the Dominions, especially Australia, also continued after the passage of the 1948 Act and contributed to psychological and tangible connections between the UK and Dominions. To this day, Commonwealth citizens residing in the UK are eligible to vote in UK general elections, even if they do not hold UK citizenship. "Types of Election, Referendums, and Who Can Vote," GOV.UK, accessed August 2, 2022, https://www.gov.uk/elections-in-the-uk.

[633] In the 1960s, most immigrants to the UK came from India. In 1966, 51% of migrants (including both skilled and unskilled workers) were from India, and 73% of the migrants under the "skilled labour" category admitted to the UK was from India. Cosemans, "Undesirable British East African Asians," 10.

movements resulted in mass decolonization, especially in Africa. By the early 1960s, the principles of the British Nationality Act were formally challenged by the UK introducing immigration controls on Commonwealth citizens. Consistent with the fundamental tension between principle and practice, the UK began undermining Commonwealth citizenship through immigration controls, rather than nationality.

Most importantly, arrivals of South Asians punctuate the slow erosion of Commonwealth unity. This is clear through the 1961 Commonwealth Immigrants Act, which was finally introduced when new annual South Asian immigrants outnumbered those from the Caribbean. In 1968, Kenyan Asians who attempted to assert their rights to migrate and settle in the UK directly contributed to the passage of the 1968 Commonwealth Immigrants Act. When Ugandan Asians were expelled in 1972 and asserted their rights to enter the UK, the UK tried to shift their responsibility for Ugandan Asians to the international community by creating refugees out of British citizens and subjects. South Asians who endeavoured to exercise their rights as British and Commonwealth citizens motivated the UK to undermine their initial commitments to the Commonwealth and colonized people. With each iteration of immigration control, the guise of race-neutrality and superficial compliance with international law became more transparent.

The shifts and disintegration of the Commonwealth from an organization with the potential to operate as an inter-governmental structure on the global stage occurred as South Asians claimed the rights that legally belong to them. This interpretation not only contributes to the understanding of the development of citizenship and immigration policies in post-war Britain, but sheds light on the way that the inherent inequalities and continuation of imperialism contributed to the downfall of the Commonwealth. Though the Commonwealth emphasized and supported member autonomy in a way that was inaccessible to dependent Colonies, evidenced by

the way that India was able to negotiate its own membership, imperial inequalities persisted. Rather than embracing the principles of the growing Commonwealth, the UK quickly distanced itself and prioritized white Britons over South Asians and the rest of the Commonwealth more broadly. This continues to widen understandings of British history from a national to imperial and global framework. This thesis also endeavours to show that, while today the Commonwealth may pale in comparison to other international organizations, the Commonwealth of Nations is a necessary and important organization for understanding British and imperial history during the post-war period. Using the Commonwealth as a lens facilitates an analysis of how the organization was used and understood by various historical actors to shape immigration and citizenship in national and imperial histories. South Asian immigration to Britain in the post-war period is incomplete without an analysis of the Commonwealth, just as the history of the Commonwealth is incomplete without the context of South Asian migration.

From the days of the Balfour Report, the Commonwealth was built upon the principle of independence and autonomy among members. Ideals of equality among the Commonwealth were challenged from the very beginning. When confronted with the arrival of South Asian migrants, the Dominions exploited their rights of autonomy to control immigration at the expense of universal subjecthood. The UK, more committed to universal subjecthood than the Dominions, eventually followed suit with their own restrictions decades later. The emphasis on local autonomy, though an important part of decolonization, was ultimately irreconcilable with goals of universal British subjecthood.

The unwanted presence of South Asians in the UK and throughout the British Empire contributed to an eventual abandonment of the Commonwealth principle of *Civis Britannicus sum.* Events in East Africa were both the culmination of anti-Asian sentiment throughout the

Commonwealth, and prompted legislative action on the part of the UK to breakdown the rights of Commonwealth citizens. Cosemans argues that "As the British Empire disintegrated, the Asian diaspora as a residue of colonial times became undesirable everywhere: in East Africa, where they resided, in South Asia, from where they originated, and in the UK, from where their legal identity (in the form of passports) emanated."[634] Ironically, as Canada and the UK invoked the Commonwealth in their choice to aid those Asians expelled from Uganda, it went unacknowledged that ideals of the Commonwealth would have granted all Commonwealth citizens mobility rights, and it was the weakening of the Commonwealth over the previous decades that had eroded the migration and citizenship rights they had once enjoyed.

While Canada passed their *Canadian Citizenship Act* in 1947, the UK did not pass a truly comparable statute until 1981. Initially unwilling to make significant changes to the nationality scheme, the UK eventually developed a British citizenship rooted and territorially-bound in the nation-state, rather than the Empire. Of course, this process had begun much earlier through unofficial and official immigration controls which undermined the legal status of CUKCs. The 1981 British Nationality Act created a British citizenship that was tied explicitly to the territory of the United Kingdom and no longer included other territories of the Empire as part of the legal community of Britons.[635] With this, the promise of an inclusive Commonwealth citizenship was finally and formally abandoned.

[634] Cosemans, "Undesirable British East African Asians," 21.
[635] British Nationality Act, 1981 (c. 61).

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