

The History of British Immigration Policy (1905-2016) Timeline Resource, June 2018

This timeline provides a brief overview of significant developments in key immigration legislation locating the origins of current British immigration policy within its longer historical context. For further information, copies of each legislative document can be found at each timeline point.

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1905-1960s

1905 marked the beginning of a new legislative attitude towards immigration. Before 1905 there was no tradition of peacetime restrictions on entry into Britain, except for quarantine restrictions limiting entry to the country on public health grounds. Although legal distinctions existed before 1900 between British subjects (which included those of the wider British Empire) and 'aliens' – all non-British subjects – these distinctions did not dictate access to mainland Britain. In common with much of the rest of the world, foreigners enjoyed freedom of movement into and out of the country. When immigration law developed in the first half of the 20th Century, it was characterised by this distinction between British subjects and 'aliens'.

Mass movements from southern and eastern Europe, and from the Balkans from the 1860s, saw millions of people crossing the Atlantic to the USA, and arriving in western Europe, which started to put a strain on free movement. From the 1880s in Britain, the arrival of thousands of Jews from Russia and Poland as they fled pogroms and economic repression sparked public campaigns demanding immigration restrictions. Arguments in the press, in Parliament and at public meetings centred around concerns over competition for housing and work, and ideas that the 'invasion' of migrants threatened to undermine British culture. Informed further by fears of 'enemy aliens' during the World Wars, Britain erected barriers to entry which were underpinned by a stark distinction between who was 'British' and who was an 'alien'.

1905

[Aliens Act of 1905](#)

- As a result of the perceived threat from Jewish immigration into Britain, the 1905 Aliens Act aimed to protect Britain from undesirable immigration while encouraging immigration viewed as economically and culturally beneficial to Britain.
- The Act restricted immigration by those perceived to be a burden on the state. This was defined as:
 - someone who '*does not have means to support himself and/or dependents.*'

- *'a lunatic or an idiot.'*
- *'a convicted criminal' (section 3a-d).*
- Counterbalancing this, the Act also provided for the first time a legal definition of refugees and their rights to safe harbour in Britain:
'in the case of an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief, leave to land shall not be refused.'
- To enforce these regulations, restrictions were placed on the number of immigrant passengers per ship and immigration officers were placed at ports to inspect vessels.
- While historians argue over how effective its measures actually were, they agree that the 1905 Aliens Act had the result of *'breaking the Victorian inhibition on the subject of restriction of immigration and familiarising the public mind with the idea that a country had the right to keep out unwanted immigrants.'* (Taylor, 2016).

1914

British Nationality and Status of Aliens Act (Aliens Restriction Act)

- At the outbreak of World War I, 'Germanophobia' was felt on all levels of society. Panic legislation was passed in the first days of the war to grant extended powers to the Crown over immigration in times of *'national danger or great emergency'*. The monarch was given powers in times of war:
to prohibit aliens from landing in the UK
to impose restrictions on aliens on entry to the UK
to restrict movement of aliens within the UK
to deport any alien seen as a threat to Britain
to grant officers of the powers to arrest, detain and search aliens
to tackle *'any other matters which appear necessary or expedient with a view to the safety of the realm.'*
- German-owned businesses could be confiscated and those deemed *'enemy aliens'* could be interned.
- After the German invasion of Belgium, protection was given to Belgian refugees who sought shelter in Britain.

1919

Aliens Act of 1919

- Britain, along with other industrialised nations, extended immigration restrictions passed during WWI into peacetime, including requirements for all travellers to carry identification (standardised as passports in the 1920s).
- The 1919 Act's terms were described as 'stringent and wide' and included:
 - the requirement that the landing of aliens was limited to named, restricted ports which were covered by the immigration service.
 - the requirement that all aliens over 16 years old were required to register with the police. The police were charged with monitoring lodging houses and other places where aliens gathered and were permitted to shut them down.

- powers to deport aliens already in Britain if they were arrested for a crime; if they were deemed to be encouraging sedition in the armed forces; if they promoted industrial unrest; or if the Home Secretary decided that deportation was 'conducive to the public good.'
- Aliens were barred from certain workforces, particularly the civil service and merchant ships.
- A ten-year prison sentence was introduced for immigrants who took part in '*any act calculated or likely to cause sedition or disaffection.*'
- Medical inspections were required for all aliens planning to be in the country for over three months, and entry could be refused for those suffering from named conditions.
- Entry could be refused to those without visible means of support, who the immigration officer suspected might become a charge on the public purse.
- Whereas the 1905 Act had included exemptions for refugees, these were not included here.
- The Aliens Act 1919 was the legislation which governed the entry of refugees from Nazism in the 1930s. Legislation was further tightened in the early 1930s, further restricting the right to work, and again in 1938, when aliens coming to Britain were required to obtain a visa in their country of departure as well as fulfilling the criteria of the 1919 Act.

1948

British Nationality Act (1)

- With the growing independence of Britain's Dominions – Australia, New Zealand, Canada, South Africa, Ceylon (Sri Lanka), India and Pakistan – a Commonwealth conference was convened in 1947 to agree the relationship of different parts of the Commonwealth to Britain.
- The British Nationality Act introduced the new category of 'Citizen of the United Kingdom and Colonies' (CUKC), which it defined as: '*Every person born within the United Kingdom and Colonies.*'
- Individuals could also be classified as citizens 'by descent' if their father fitted the above definition.
- An individual could become a British national through marriage.
- The Secretary of State was granted powers over granting special citizenship and revoking citizenship.
- Aliens could become naturalised within the UK as long as they:
 - were of '*good character.*'
 - had 'a sufficient knowledge of the English Language.'
 - had been resident within the UK for seven years.

1962-1990s

If immigration policy in the early 20th Century centred around distinctions between British subjects and aliens, after 1960 the focus shifted towards increasingly fine distinctions between different 'citizens of the UK and colonies'. Although migration from Britain's empire and newly independent nations was at first encouraged in order to facilitate reconstruction and post-war economic growth, new arrivals in the UK not only experienced hostility and racism, but also faced growing restrictions on their entry. As it became apparent that 'post-colonial migration' would be a permanent part of British society, and as standards of living and welfare provision between Britain and its former colonies continued to diverge, the British government felt impelled to limit, and then cut off, future routes to immigration. Where the label 'British citizen' once referred to a wide range of people from the mainland to the colonies, the changing political atmosphere sparked a need to restrict this definition and add further exclusivity to the right to residence in the United Kingdom. At the same time as Commonwealth rights decreased, rights of entry for those from the European Community – now the European Union – increased after Britain's entry into the EC in 1973.

1962

[Commonwealth Immigrants Act \(1\)](#)

- While in the post-war environment Commonwealth immigration had been welcomed to supplement the depleted male workforce, as the war became more distant the need for – and acceptance of – Commonwealth immigration decreased.
- The 1962 Act stands as the first in a series of restrictions to free movement of Commonwealth citizens to the UK for residency purposes.
- Any immigrant who did not hold a British passport or have a firm connection to the UK (by birth or descent) was subject to restrictions. Individuals were to acquire a work voucher in order to enter the UK.

1968

[Commonwealth Immigrants Act \(2\)](#)

- Prompted by the arrival of hundreds of British-passport-holding Kenyan Asians, fleeing the 'Africanisation' policies of newly independent Kenya, the Labour government responded to media and public pressure by placing further limitations on the rights of entry of certain UK passport holders.
- To be classed as a British Commonwealth citizen, an individual had to prove that they, or at least one of their parents or grandparents:
'was born in the United Kingdom; or was naturalised in the United Kingdom; or became a citizen of the United Kingdom and Colonies by virtue of being adopted in the United Kingdom; or became a citizen through rules in the British Nationality Act 1948.'
- The power of deportation was granted for the first time outside of a wartime context.
- Asylum and refugee provision was not included in this document.

1971

[Immigration Act \(1\)](#)

- Three short years later, the restrictions introduced in the Commonwealth Immigrants Act were still considered to have been insufficient in restricting Commonwealth immigration. Further legislation, introduced by the Conservative government under Edward Heath, simultaneously affirmed Britain's ongoing relationship with New Zealand, Australia and Canada, and tightened immigration from the New Commonwealth countries.
- This act introduced the distinction between *patrial* and *non-patrial* immigrant, classifications to which the right to reside in the UK was tied:
 - *Patrial immigrants* were those with full citizenship who were deemed to have the right to reside in the UK. They faced no restrictions on their movement or employment. Their status as a patrial citizen had to be proved by sufficient documentation.
 - *Non-Patrial immigrants* were those without full citizenship. They were granted only 'limited leave to remain in Britain'. Over-extending one's leave to remain could result in deportation.
- To be a patrial citizen one had to have been born or adopted in the United Kingdom, or have been born/adopted to a parent who had this citizenship classification.
- Those who overstayed their leave to remain or attempted to enter the UK under false documentation risked fines and deportation. Immigration officers were granted the right to arrest without warrant anyone suspected of breaching these regulations.
- Fines of up to £400 (around £6000 today) and seven years' imprisonment were the punishments for those assisting illegal immigration.

1981

[British Nationality Act \(2\)](#)

- The British Nationality Act (2) was the result of Margaret Thatcher's 1979 election pledge to further restrict immigration to Britain. It was part of an attempt to simplify immigration law. It aimed to align British citizenship with the automatic right to abode in the UK, as previously, due to the incremental changes from 1962, not all 'Citizens of the UK and Colonies' had an automatic right to abode in Britain.
- The Act abolished the category of Citizen of the United Kingdom and Colonies and replaced it with three new categories:
 - British Citizen*
 - British Overseas Citizen*
 - British Dependent Territories Citizen*
- British citizenship could only be claimed by those with a close connection to the UK (or Channel Islands and Isle of Man), which normally meant those born in the UK, or who had at least one parent with British citizenship.
- Only the category of 'British citizen' now carried an automatic right of entry and abode in the UK.
- Mothers were granted the right to pass their citizenship on to their children, whereas previously this was only the right of fathers.

1990s-early 2000s

With the eligibility for British citizenship now sharply defined, and Britain's place in Europe entailing the free movement of European citizens, the focus of immigration policy moved to address the law surrounding refugees and asylum seekers. This was seen as increasingly urgent when immigration patterns following the end of the Cold War began to change. Before the early 1980s, Britain had received only a few hundred individual asylum applications each year – normally Cold War dissidents – with most refugees entering as part of larger sponsored programmes. The 1990s saw a significant rise in the number of individual asylum applications made in the UK. Alongside increased numbers of people fleeing war, instability and natural disasters, the tightening of general immigration law also saw individuals attempting to take advantage of asylum legislation in order to enter the UK labour market. Consequently, this period was characterised by the hardening of distinctions between 'refugee', 'asylum seeker' and 'economic migrant', categories which entailed different rights to remain, to access welfare and to work. At the same time, more general changes to Britain's welfare policies resulted in the scaling back of state-funded social benefits for all, which in turn affected the benefits accessible to refugees and asylum seekers. New Labour's 1998 Home Office white paper '*Fairer, faster and firmer - a modern approach to immigration and asylum*', demonstrated that the new government would be continuing the policies brought in by its Conservative predecessor. Britain, as a signatory of the 1990 Dublin Convention, also became drawn into wider EU asylum policy in this period.

1993

[The Asylum and Immigration Appeals Act](#)

- This Act was an attempt to produce a better system for making asylum decisions. It was underpinned by a desire to tackle the growing number of individual asylum applications.
- An appeals process was introduced for those wanting to contest the rejection of their applications. During the time of appeal, those claiming asylum could be detained until their appeal was approved or rejected.
- Fingerprinting was introduced for all asylum seekers entering the UK.
- Certificated asylum seekers were granted a right to local authority financed housing. Like the Commonwealth Immigrants Acts, the 1993 Appeals Act was not as effective as planned, and Britain continued to receive growing numbers of asylum applications.

1996

[Asylum and Immigration Act \(1\)](#)

- The 1996 Act adopted a more punitive approach, targeting 'bogus' asylum seekers in particular.
- It increased powers of search and arrest; extended punishments for false asylum claims; and aimed to speed up the asylum decision making process.
- The Secretary of State was given the power to 'white list' countries – to designate as safe any country in which it appeared there was no serious risk of persecution under any of the refugee categories, thus invalidating the asylum claim from a citizen of a 'white listed' nation.
- A new offence for employers of illegal immigrants was introduced with a fine of up to £5,000.

- Housing and child benefit for asylum seekers were removed until their asylum claim was certified.

1997

[The Dublin Conventions](#)

- Throughout the 1980s the EEC had worked to establish a common asylum process. While it failed to create a single European framework, in 1990 the Dublin Convention set out the process by which member states could determine which state was responsible for processing an asylum application.
- The UK signed the convention in 1992 but it did not come into force until it was fully ratified by all members in 1997.
- The Convention stated that asylum seekers would under most circumstances be processed in the first EU country they arrived in unless:
 - a relevant family member resided in another country.
 - they held valid residence permit or visa for another country.
- States were permitted to share information about asylum seekers with other member states. In 2003, alongside the adoption of the Dublin II regulation, the EURODAC database was established. This database logs asylum seekers' fingerprints, usually taken at their port of entry, and shares this fingerprint data between EU member states to determine the country of entry and thus the member state responsible for examining the asylum application. This means the UK can deport asylum claimants to the EU member state in which their fingerprints were first logged.
- In 2013, Dublin III was implemented, which introduced the right to appeal a country transfer, and granted more rights to unaccompanied asylum-seeking children. This became significant for the UK during the 'refugee crisis'.
- It is currently uncertain whether, or how much, of the European Dublin regulation will be carried over into the Brexit Bill.

1999

[Asylum and Immigration Act \(2\)](#)

- Despite the revisions of the 1996 Act, it was decided that the asylum process was still slow and inefficient. Not only were individual applications seen as time-consuming to process, but opportunities for appeal ensured that many unsuccessful asylum applicants remained in the UK for years while their case was heard.
- The Act introduced the 'One Stop Appeal' procedure. This required individuals to list all grounds of appeal at once, meaning no further appeals could be made.
- Further penalties were introduced for those transporting 'clandestine entrants', including the confiscation of vehicles, fines and imprisonment. The statute is accompanied by a comprehensive list of all possible definitions of transport containers and vehicles from 'train' to 'detached trailer'.
- Registrars were required to report 'suspicious marriages' and the category of 'sham marriages' was also introduced.
- Detention centres were defined by this Act, as a centre: *'used solely for the detention of detained persons but which is not a short-term holding facility, or prison or part of a prison'*.
- Dispersal policies were introduced for asylum seekers while they waited for a decision on their application. This dictated that asylum seekers could be placed anywhere across the country to

prevent any one area from being overburdened by the cost of supporting asylum seekers. It aimed to reduce the concentration of asylum seekers in certain cities.

- A voucher scheme was introduced for asylum seekers, replacing access to certain standard welfare benefits. Vouchers could be used to obtain basic goods and services, but were limited in their cash value, and were only accepted in certain places.
- These new additions to immigration law were accompanied by an increased emphasis on providing correct documentation and proof of citizenship in order for applications to be processed.

2002

[Nationality, Immigration and Asylum Act](#)

- Responding to criticisms that the asylum system had become too punitive, the Labour government introduced some minor reforms while leaving the structure of the system intact.
- The voucher system was scrapped and replaced with cash payments.
- Refugee integration programmes were introduced alongside accommodation centres for asylum seekers considered destitute.
- The term 'detention centre' was replaced by the term 'removal centre' but was not accompanied by a change in their function.
- Asylum seeker registration cards were introduced to provide asylum seekers with official identification and certified status. This was seen by critics as a prototype for a population-wide ID card system.
- The appeals process was further expanded upon, making the system more technical and precise.

2004

[Asylum and Immigration Act \(3\)](#)

- Between 2004 and 2009, the Blair-Brown Labour government made multiple amendments and additions to immigration law, which was still seen to be failing its primary purpose of keeping out undesirable immigrants and 'bogus' asylum seekers. The 2004 Act focussed predominantly on documentation and trafficking.
- Arrest without warrant was introduced for those unable to produce asylum documentation at asylum interviews.
- Electronic monitoring ('tagging') was introduced for individuals placed under residence restriction.
- Specific penalties for trafficking or facilitating the departure of individuals for exploitation purposes were introduced.
- Building on the principle of the 'white list', legislation was passed allowing the removal of refugees from the UK to countries *'known to protect refugees and to respect human rights.'*

Mid-2000s-Present

Technological developments saw the introduction of biometric identification in immigration law and the 2008 Immigration Rules introduced a points-based system of immigration eligibility to the UK that covered all categories of immigrant. Small additions were made to immigration policy after 2008, with the most significant changes still to come pending the results of Brexit negotiations.

2006

[*Immigration, Asylum and Nationality Act*](#)

- The 2006 Act made a change in the definition of an 'asylum claim', defining it as: *'a claim made by a person that to remove him from or require him to leave the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention.'*
- Those detained in 'removal centres' were deemed ineligible for the national minimum wage for any work done within the removal centre.

2007

[*UK Borders Act*](#)

- The 2007 Act marked an advance in identification technology by introducing biometric registration as a necessary requirement for those entering the UK.

2008

[*Immigration Rules*](#)

- 2008 saw the introduction of the Points-Based System of immigration that admitted migrants based on their qualifications and potential benefit to Britain.
- The system, which is still in use today, was categorised into 5 Tiers:
 - Tier 1: Highly skilled workers.
 - Tier 2: Sponsored skilled workers (similar to Tier 1, but these applicants have a job placement already secured in the UK by a sponsor).
 - Tier 3: Low skilled workers.
 - Tier 4: Students (category used for both school-aged and university students).
 - Tier 5: Special Categories of Temporary Migrant (short term working or voluntary visas).
- The entitlements of Tier 4 visa holders to work or to extend their stay were progressively restricted after 2008, forcing most university students to leave the UK in order to apply for visa extensions.
- With post-Brexit immigration questions looming, it is uncertain whether this system will need to be revaluated as EU/EEA nationals become subject to greater immigration restrictions.

2009

[Borders, Citizenship and Immigration Act](#)

- This short document altered the regulations for naturalisation, so that those applying for naturalisation needed to have been a UK resident for eight years; to have high qualifying immigration status (such as English language and professional skills); and to not have been absent from the UK for more than 90 days.
- Like the 1905 Act just over 100 years before, there was an emphasis on the need for 'good character'.

2016

[Immigration Act \(2\)](#)

- In the most recent edition of the Immigration Act there were minute changes to immigration policy.
- Section 67 of the Immigration Act, more commonly known as the 'Dubs Amendment', requires that the Secretary of State '*make arrangements to relocate to the UK and support a specified number of unaccompanied refugee children from other countries in Europe*'. The 'specified number' is 480; 200 were relocated in 2016.
- In the workplace, a 'public authority' is required to ensure anyone who works for them in a customer facing role speaks '*fluent English*'.