

# The Aliens Order 1920, the 'Work Permit' and the Making of the National Labour Market

*Manoj Dias-Abey*

## Introduction

The early 20th century was marked by growing attempts to regulate the movement of people across the globe. The preceding period – identified as the 'age of capital' by Eric Hobsbawm in his famous tetralogy – was characterized by growth in mobility and 'money, goods and men moved smoothly and with increasing rapidity' (Hobsbawm, 1975, p 64). The increasing support for restricting the movement of goods and people was very much a global phenomenon, with several countries, including the US, introducing restrictive immigration policies during this period (Timmer and Williams, 1998).

In the British Empire, various pieces of legislation were introduced between 1905 and 1925 which sought to control the entry of 'aliens' to the British Isles. Alien is a legal term of uncertain provenance, but by the 20th century it was taken to mean someone who was not a subject of the Crown.<sup>1</sup> These early attempts at immigration control did not initially apply to the entry of colonial subjects of the British Empire, nor after 1923 to members of the Irish Free State, since these people were not considered aliens at law. This omission from the scope of immigration controls in the case of colonial subjects was likely the result of the small numbers arriving from the peripheries in the early 20th century (Holmes, 1988), while maintaining a Common Travel Area with the Irish Free State was an important aspect of keeping it within the Commonwealth (Ryan, 2001).

The Aliens Order 1920, an Order in Council<sup>2</sup> promulgated under the Aliens Restriction (Amendment) Act 1919, was a particularly important

legal intervention in British immigration law. The Aliens Order sought to achieve many objectives, but most crucially, it required any alien coming to the UK with the intention of seeking employment to produce a permit, issued to their employer by the Ministry of Labour. For the duration of the entire interwar period, when high unemployment was an overriding concern, the Ministry of Labour rarely granted such permission. We can think of the Aliens Order 1920 as introducing for the first time into British immigration law the regulatory instrument of the ‘work permit’, which I define as *the conditional grant of state authorization for a foreigner to participate in the labour market*. The work permit was one of the earliest attempts at aligning immigration with labour market policy and linking immigration to labour market conditions. It went on to have a profound impact on the way that immigration has been thought about, rationalized and regulated ever since.

Curiously, the Aliens Order 1920 has not received a significant amount of academic attention, and the introduction of the work permit even less so. Scholars who have considered the Aliens Order 1920 have tended to focus on some of its other elements, such the medical inspection regime that it consolidated (Taylor, 2016) or the architecture it created for later interventions that regulated the lives of colonial subjects residing in the metropole (Tabili, 1994). One reason for this oversight might be that the Aliens Order is seen simply as one part in a series of escalating immigration controls that started to be introduced in 1905. Collectively, scholars have regarded these interventions as deriving from the legacy of colonialism (El-Enany, 2020) or an ineluctable consequence of the development of the welfare state (Torpey, 2003). Both of these arguments have some explanatory force. It is clear that a colonial mindset that rigidly categorized people according to a racial hierarchy, as well as anti-Semitism in British political culture, combined to create a groundswell of opinion against aliens, who were mostly Jewish migrants seeking refuge from pogroms in Eastern Europe and Russia. This was, at least in the case of the Aliens Act 1905, the proximate reason for its enactment (Holmes, 1988). Similarly, it is plausible that questions of belonging and entitlement inevitably come to the fore when the state turns its mind to provision of social goods. Lending support to this thesis, when several state welfare measures were introduced between 1906 and 1920, many contained prohibitions on unnaturalized aliens accessing entitlements (Cohen, 1985). Therefore, it is reasonable to see immigration controls as a consequence of the development of the social state.

Neither of these explanations, however, provide a persuasive account of why the Aliens Order 1920, and the work permit in particular, were introduced. This chapter shows that high unemployment and rising labour militancy in the post-war period were in fact the more relevant factors when it came to the introduction of the Aliens Order 1920. Together, these form

what I term the ‘labour market rationale’ for the introduction and design of immigration controls, which would go on to have an enormous role in shaping immigration law over the 20th and 21st centuries. Beginning in the late 19th century, unemployment had been growing as an area of sociopolitical concern, and increasingly strident demands were being made for government intervention to reduce its incidence and duration (Harris, 1972; Whiteside, 1991; Whiteside and Gillespie, 1991; Whiteside, 2014). Given this context, the sharp rise in unemployment which occurred in the wake of the Great War led to demands that the government take strong action to manage it (Garside, 1990). In addition, labour militancy was also on the rise in the period following the war and controlling the labour market access of foreigners allowed the government to appease the more nativist wing of the labour movement. The introduction of the work permit gave the appearance that the government was carefully calibrating the access of outsiders to the labour market to suit prevailing economic conditions in Britain, even if, in practice, limiting work opportunities of migrants did little to assist the unemployed.

The second argument that this chapter makes is that the Aliens Order 1920, and the work permit in particular, helped make a distinctly *national* labour market. The work permit could be used as a tool to mould the national labour market by increasing the supply of workers, adding workers with particular skills to the existing workforce and influencing the balance of power between employers and employees. Regulatory instruments can also constitute markets imaginatively. The introduction of the work permit was pivotal in constructing the labour market as a national institution from which those who did not belong to ‘Greater Britain’ were excluded. Seeing social phenomena at the level of the nation often involves feats of imagination (Anderson, 2006), and a whole range of practices, from collecting national statistics (Tooze, 1998) to applying uniform administrative practices, can help bring into being and reify a *national* labour market.

In the next section, I survey the main forms of immigration control implemented between 1905 and 1916 and show that they laid the legal and institutional groundwork for the Aliens Order 1920. I then provide a history of the two-year period leading up to the introduction of the Aliens Order 1920. To properly understand why the Order came into force, we need to analyse the developments in the British labour market in the aftermath of the Great War, the positions adopted by key actors and the rapidly changing ideas about the extent of permissible government intervention. I follow this by setting out the main features of the Aliens Order 1920, and the Coloured Seamen Order 1925, which came soon after. I also briefly trace the afterlife of the work permit as an important feature of immigration law over the 20th century and the first two decades of the 21st. Finally, I conclude by explaining how the work permit played a prominent role in consolidating

a national labour market, amenable to government intercession, over the course of subsequent decades.

## **Laying the groundwork for the Aliens Order 1920: immigration controls between 1905 and 1916**

The first stirrings of the turn to immigration control in the UK began in 1905 with the passage of the Aliens Act. What led to an Empire in thrall to the ideas – if not necessarily always the practice – of free trade, unhindered commerce and liberal toleration to proceed down the path of immigration control in this period? The 1905 Act was clearly a response to the growing chorus of racially charged complaint that was being expressed in the last two decades of the 19th century (Holmes, 1988). Some 150,000 Jews arrived in Britain between 1880 and 1914 – most settling in the East End of London and other industrial centres – and they faced hostility from higher and lower ends of British society (Winder, 2005, p 229). Although the British working class had made great strides in combatting anti-Irish racism over the course of the 19th century, anti-Semitism continued to be a feature of working-class politics (Virdee, 2014, pp 32–55). This anti-Semitism was so potent because it was closely tied up with ideas about racial classification and hierarchy that were commonplace in late Victorian Britain (Malik, 2023, pp 95–116). Several trade union leaders and socialist activists demanded the imposition of immigration controls (Cohen, 1985), and their calls were also supported by influential elites in Parliament and among the intelligentsia. Two of the most notorious in the latter camp were journalist Arnold White, famous for writing several widely read screeds on the topic, and Member of Parliament (MP) for Stepney, William Evans-Gordon, who was one of the founders of the proto-fascist British Brother's League.

The Conservative–Liberal Unionist government responded to this clamour by establishing a Royal Commission on Alien Immigration in 1902. During the proceedings, several grievances were raised, including that the newcomers worked for a pittance, were liable to become a burden on the state, contributed to urban overcrowding and housing squalor, and carried dangerous disease (Royal Commission on Alien Immigration, 1903, paras 37–8). Labour market concerns, including the impact of migration on employment opportunities and working conditions, also featured heavily in the public debate. Despite Britain's position as an imperial power (in which emigration was a vital component), and the relevance of the global political economy, the scale of the debate was very much *national*. Moreover, the Royal Commission found little evidence of these effects, but nevertheless a majority of members recommended that a department of immigration be established and a division of immigration officers be appointed to act as sentries, with these officers to be given the power to exclude 'undesirables'.

The Royal Commission also recommended restricting the settlement of aliens in parts of the country subject to overcrowding. The government's attempt to pass a Bill based on the Royal Commission's recommendations failed, but a weaker version was enacted in the form of the Aliens Act 1905, which required all ships carrying more than 20 immigrant aliens in steerage to disembark at a designated port so that all passengers could be examined by immigration officers (ss 1 and 8). Under the Act, officers were given the power to exclude 'undesirable' aliens, defined as those who lacked the means to support themselves, had been sentenced for a crime, were an 'idiot or lunatic' or had been previously excluded (s 3). Notably, an exception was made for aliens who could prove they were escaping political or religious persecution, and an appeal process was established to provide the opportunity to challenge immigration officers' decision-making. The proposal to place restrictions on where aliens could settle never made it into the legislation. Movement of imperial subjects to the British Isles was unaffected by this statute, but in practice, with the exception of 'lascars' (sailors who were colonial subjects), few other than the very privileged arrived.

Ultimately, because of the limited powers given to the Aliens Inspectorate, the exclusion of political refugees from the scope of the Act and the role of the immigration appeals boards, the Act was unsuccessful in stemming the entry of aliens (Dummett and Nicol, 1990). Notwithstanding, the Aliens Act 1905 was a significant change. First, at the level of ideology, the 1905 statute pierced the consensus about leaving alien immigration unregulated, which led to a series of intensifying legislative interventions over the next decade. Second, the administrative architecture that was established was vital to the operation of future immigration controls. A corps of immigration officers was established, and a civil servant was situated within the Home Office, appointed as 'H.M. Inspector under the Aliens Act', to oversee the new inspection regime (Roche, 1969, p 72).

On the day after the UK declared war on Germany, the government drew on this administrative architecture to implement further immigration controls of a truly draconian nature. Originally intended as a temporary wartime measure, the Aliens Restriction Act 1914 authorized the government to make Orders in Council under broad headings. Orders were to follow that were used to prohibit all aliens from landing, impose severe restrictions on those allowed to enter and provide the government with the power to deport aliens. War hysteria created the cover for these enormously wide-ranging powers, which included the power to control not only the entry of people but also the conditions of their stay as well as their removal without any right of appeal. Several further Orders in Council were made during the Great War, including an Order in 1915 requiring all aliens to hold a passport or other identity document and be subject to inspection by an immigration officer, and an Order in 1916 obliging all those allowed to enter to register

with the police. Another piece of legislation, the British Nationality and Status of Aliens Act 1914, was passed during this period which set in statute the process by which an alien could become naturalized as a British subject.

## **Unemployment and unrest: the context of the Aliens Order 1920**

The political economy of Britain when the armistice was signed on 11 November 1918 was radically different from its pre-war form. After the war, it soon became clear that there would be no going back to pre-war economic conditions, as British exports had lost significant market share during the war and domestic consumption was down due to price inflation (Clarke, 1996, p 96). Demobilized soldiers in particular had great difficulty finding work. As the size of the armed forces was reduced from 4.5 million in 1918 to less than a million by 1920, unemployment continued to rise, ending up at 11 per cent by 1921, which equated to 2.2 million people out of work (Weldon, 2021, pp 141–2). This was in sharp contrast to the war years, when one of the critical issues was the availability of workers to produce the massive quantities of materiel (military equipment and supplies) that the war devoured. The labour shortages during the war meant that unemployment receded in importance as a national issue, but it returned as an issue of national prominence when unemployment started climbing upwards following the conclusion of the Great War.

The large numbers out of work caused a significant amount of ferment and this formed the background as the provisions of the Aliens Restriction (Amendment) Bill were being debated in Parliament in 1919. During the war, national trade unions had agreed to suspend strikes in exchange for arbitration for wages and conditions of work (Deakin and Wilkinson, 2005, p 235). Although there had been sporadic labour actions at particular workplaces led by rank and file members, the labour movement as a whole was mostly quiescent. Trade union membership, however, continued to grow over this period, increasing from 4 million in 1914 to 6.5 million at the end of 1918 (Cole, 1948, p 385). After the war, employers took advantage of the economic situation to cut wages and hours, which affected the working conditions of union members. These actions were met with widespread strikes across the entire economy. Whereas an average of 632,000 days had been lost to strike action during the entire period between 1914 and 1918, an average of over two million days per year were lost between 1919 and 1921 (Virdee, 2014, p 78). Given the recent success of the Bolshevik revolution in Russia in 1917, senior members of the government were also paranoid that the idea of radical socialism was animating these strikes (Butler, 2019).

It was predictable that an election called in the immediate aftermath of the war would arouse ugly strains of nationalism. The result was a landslide

for the governing Coalition government, comprising Conservatives and Coalition Liberals. In his coruscating text on the victors' attitude towards Germany, *The Economic Consequences of the Peace*, John Maynard Keynes described the elections as being characterized by a lust for vengeance (1920, ch IV, pt 2; cf [Morgan, 1979](#)). Another commentator observed that the 'campaign of the Coalition began with the accent on reconstruction; it ended with demands for revenge upon Germany' ([Havinghurst, 1979](#), p 148). The desire for retribution was in evidence in several of the points in the Coalition's manifesto. The Coalition promised to pursue maximum indemnities from the Germans for the costs of the war and seek punishment for those who had committed atrocities. On the domestic front, the Coalition promised, ominously, to create a 'Britain for the British, socially and industrially'. These demands were also coming from some segments of the labour movement who were not always inclined to distinguish between 'enemy aliens' living in Britain, other aliens who had made their home here (for example, Russian Jews) and British subjects from colonies who had contributed significantly to the war effort. As a result, the uptick in working-class militancy during this period was accompanied by violence and discrimination against Jewish people as well as those from the British colonies ([Virdee, 2014](#), p 80).

Renewing the immigration restrictions that had been temporarily introduced at the start of the war provided a means for the newly elected Coalition government to both address the revolt of labour and sate the electors' demand for revenge. In April 1919, the Home Secretary, Edward Shortt, introduced the Aliens Restriction (Amendment) Bill into Parliament to continue the emergency wartime immigration legislation for a period of one year. The Bill proposed to utilize the same mechanism that the Aliens Restriction Act 1914 had introduced: legislative provisions providing the Executive wide-ranging powers to bring into force Orders in Council for the control, management, detention and deportation of aliens (s 1). The government's thinking was that this would give the Home Office maximum flexibility to deal with any exigencies that arose. The Bill also contained express provisions to give the government power to deport those engaged in sedition in the armed forces or among the civilian population, as well as excluding those promoting 'industrial unrest' in an industry in which the accused was not legitimately employed for a period of at least two years prior to the alleged commission of the offence (s 3). In these two provisions, we see clearly distilled the government's aim to assuage anti-German sentiment, clamp down on labour militancy and keep at bay political radicalism. The legislation did not go far enough for some, and a faction of the Home Secretary's Coalition colleagues – known as the Tory 'Die-Hards' – sought amendments to strengthen government's powers to deport enemy aliens and place employment restrictions on *all* aliens ([Morgan, 1979](#), pp 238–9).



During the Parliamentary debate the issue of the employment of aliens featured prominently. The idea that restricting the employment of aliens would materially affect the employment opportunities of native British workers was preposterous, particularly because the industries affected by the downturn were not necessarily those employing aliens in any significant number. However, feeling rather than fact carried the day. When the Aliens Restriction (Amendment) Bill was in the Committee stage, some of the Tory Die-Hards tried unsuccessfully to force an amendment so that all British enterprises employing more than five workers would be restricted from employing aliens at a proportion greater than 10 per cent of their total workforce. To head off any doubts about the fact that the government did not intend to be tough on aliens once the Bill passed, the Home Secretary published a copy of a draft Order in Council that his government expected to promulgate if the Bill was passed. Since the turn of the century, the Home Office had been increasingly playing a role in the drafting of bills and regulations (Pellew, 1982), and it is likely that it had a large hand in the drafting of the Aliens Order. The personnel that were responsible for the Aliens Act 1905 were still in charge a decade and a half later, so continuity in approach was maintained with earlier legislative interventions (Cesarani, 1992).

The draft Order in Council proposed to deal with the issue of employment by restricting the employment prospects of all *future* aliens rather than leaving aliens already in the country without employment and made destitute. The instrument that the government alighted on to achieve this end was the work permit. Under the draft Order in Council, all aliens arriving in the UK and seeking to join the labour market would henceforth be required to produce a work permit issued by the Ministry of Labour granting a specific employer permission to employ the alien. These provisions did not satisfy the Tory Die-Hards and the MP Ronald McNeill (1919) put forward his case most forcefully:

But we have long ago gone away from that old Free Trade argument, as regards labour at all events, and it is quite well recognised, by nobody so strongly as by Honourable Members opposite, that we cannot allow our own labour to be subjected to the free play of the labour market of the world, and that we must give protection of some sort to it. Therefore, it is quite in line with what has been not only the policy of the Labour party but the policy of practically all parties in this country for a long time past, to restrict in some sense, at all events, the competition coming from abroad into our own labour market. I think the experience of the War convinced the people of this country that they had been going far too much in an easy-going, thoughtless manner with regard to their own nationality and their own



employment, and if we are to have a change in this respect they are resolved for the future to keep employment in this country for our own people to a large extent.

It was also clear during the parliamentary debate that the target of this provision was not simply Germans. The independent MP for Hertford, [Noel Billing \(1919\)](#), told the House of Commons that he wanted to see his country ‘saved from the Asiatic’. Despite gaining significant support in the House, the amendment failed with 205 voting against and 130 in favour. In an almost perfect illustration of the constrained contingency of human history, this meant that the path chosen to limit the labour market access of aliens followed the work permit model instead of setting workplace quotas for the employment of aliens.

## **The Aliens Order 1920 and the Coloured Seamen Order 1925**

Under the terms of the Aliens Order 1920, no alien was permitted to land without receiving leave from an immigration officer at an approved port. The immigration officer was required to exclude those who fell into any one of the categories originally set out in the Aliens Act 1905 (s 1(3)). Most significantly for our purposes, any alien intending to join the labour market was required to produce a work permit, issued by the Ministry of Labour, to their intended employer (s 1(3)(b)). The ministry usually granted work permits for a 12-month duration, although it was possible to obtain extensions ([Newsome, 1955](#)). The person was required to work exclusively for the employer listed on the work permit and could only change employment with prior permission from the ministry. For those of independent means, the lack of a work permit did not prevent entry unless they were barred for other reasons. Once an alien was permitted entry, s 6 required that they register, in his or her district of registration, with a registration officer. Further, an immigration officer was empowered to impose additional conditions on entry ([Scott, 1932](#), p 34). The Aliens Order took a particularly expansive approach to the issue of deportation by giving the home secretary wide-ranging powers to make an order in a broad range of circumstances. All things considered, the Aliens Order 1920 was a significant milestone in the history of immigration control.

Of course, it did not end there, for ‘anti-alien discourse by definition had no boundary: it comprehended everything that was “Other” to British and Englishness’ ([Cesarani, 1992](#), p 36). It was already clear during the parliamentary debate that the target of this provision was not simply Germans. From the outset there was pressure applied on the Home Office, as the government department primarily responsible for immigration enforcement,

to apply the provisions of the Aliens Order 1920 to the population of colonial British subjects who were living in port cities and working in the maritime industry. The war effort had created significant labour shortages in the merchant shipping industry and employers had recruited widely from the colonies to make up the shortfall. At the end of the war, almost 20 per cent of the British maritime labour force were Indian seamen (Visram, 2002). When returning seamen found themselves competing for jobs with Arab, Asian and Black workers, their response was to demand restrictions on the employment of colonial labour in the shipping industry. Infamously, the period between January and August 1919 was marked by riots and racially motivated attacks in seaports from London to Liverpool to Glasgow (Jenkinson, 2009).

Initially, the Home Office resisted efforts to apply the provisions of the Aliens Act 1920 to seafarers, but the pressure from the National Union of Seamen, local authorities and other government departments, such as the Board of Trade, proved too insistent (Tabili, 1994, p 118). The hope was that the Home Office would force these workers to register under the terms of the Aliens Act 1920 and, eventually, repatriate them to their countries of origin. The nationality of some of those that came to the attention of the Home Office was genuinely in question, but the vast majority were British subjects, a fact which the Home Office was fully cognisant of. There were various efforts by organizations, such as the Indian Seamen's Union and the Seamen's Minority Movement, to organize workers across colour lines and build internationalism, but their actions were not sufficient to challenge the prevailing xenophobia (Visram, 2002).

It was not long before the Home Office issued the Coloured Seamen Order 1925 under Article 2 of the Aliens Order 1920 to resolve this anomaly. Under the terms of this new measure, a 'coloured' seaman who could not provide documentary evidence of their British subject status was deemed to be an alien. In practice, any evidence produced by those targeted was regularly judged to be insufficient. Tabili has argued that the 'enduring result of the Coloured Alien Seamen Order was the codification of a hierarchical definition of British nationality dependent on race, class, and occupation' (1994, p 122). This was one of the early progenitors of what appear on paper to be racially neutral laws (but in practice were racially discriminatory) that would come to characterize immigration law throughout the 20th century.

## **The afterlife of the work permit**

The Aliens Restriction (Amendment Act) 1919 and the Orders in Council passed under its authority were only intended to be in force for a year, yet these powers were continued from year to year until 1971. At various points, more liberally minded MPs sought to seek the repeal of these provisions,

but to little avail. The usual catalogue of grievances was aired each time a parliamentary debate on the subject was conducted. As worded in a piece in *The Times* (1924b), repealing the rules would ‘open the door to an influx of strangers drawn from the poorest quarters of Eastern Europe’. These warnings had some traction because unemployment remained stubbornly high during the interwar years, hovering somewhere between one million and three million out of work (Garside, 1990). Further, underemployment, even if it was not always counted in the various measures of unemployment that existed at the time, also continued to plague Britain (Whiteside and Gillespie, 1991). This was the context in which the Home Office rarely granted entry to aliens during this period. Even when the Home Office began to relax entry for refugees from Europe between 1937 and 1939 – by administratively resurrecting the distinction between refugee and alien that was contained in the Alien Act 1905 – work permits were seldom granted by the Ministry of Labour (Isaac, 1954, p 13). Any indication that the government was relaxing its attitude to the grant of work permits elicited furious responses, such as in 1924 when the Workers’ Union made strong representations to the Ministry of Labour that aliens were being granted permission to work in hospitality (The Times, 1924a). When the Ministry of Labour did positively exercise its discretion, the small number of work permits granted were for entertainers (Newsome, 1955, p 97) or relatively uncontroversial occupations such as *monteurs* (a type of engine fitter) or onion sellers (Roche, 1969, p 108).

During World War II, labour shortages once again began to be felt right across the economy. The government responded by launching various schemes to bring in skilled labour from the colonies. For example, the Overseas Volunteer Scheme allowed men with engineering degrees from the West Indies or skilled tradesmen from India to come to Britain to be trained in government training centres and be placed within industry, such as with aircraft manufacturers (Isaac, 1954). These migrants did not require a work permit, since they were British subjects, and the government could control their entry through the visa system. However, once the war ended, the work permit system was resuscitated and used to allow European migrants, primarily from the north-west of the continent, to enter the UK and work. Close to 136,000 work permits were granted between 1945 and 1950, with the majority going to those doing care work, working in industry, or participating in work experience assignments while studying (Salt and Bauer, 2020, p 15). Notably, the Ministry of Labour required that employers now demonstrate that the wages and conditions of potential migrant employees were no less favourable than those given to British workers in similar work in the relevant trade and district (Isaac, 1954, pp 166–71). When the need for migrant workers increased sharply during the economic boom that marked the post-war period, this demand was met, for the most part, by

migration from countries that were former colonies of the British Empire (Castles and Kosack, 1985).

When policy makers were deciding on how they could restrict migration from the new Commonwealth while maintaining the facade of a race-neutral migration policy, a decision was made to apply the work permit system to Commonwealth citizens for the first time. Under s 3(a) of the Commonwealth Immigrants Act 1962, a Commonwealth citizen had to produce a ‘voucher’ issued by the Ministry of Labour to an immigration officer if he or she wished to work in the UK. The Ministry of Labour issued three categories of work voucher: ‘Category A’ for those with a specific job offer; ‘Category B’ for skilled workers; and ‘Category C’ for unskilled workers (the latter was subject to various quotas; Hansen, 2000, p 110). For all intents and purposes, the work voucher was still a work permit, though they were not time limited, and Category B and C vouchers allowed for a measure of labour market mobility.

After the UK joined the European Economic Community in 1973, the principle of free movement meant that it became unnecessary for Europeans from member states to seek work permits altogether. This, however, did not herald the end of the work permit system. After Thatcher’s Conservative government introduced the British Nationality Act 1981, citizens of the former colonies lost their privileged access to the UK. For the next two decades, work permits were issued only in very limited numbers for highly skilled jobs in sectors such as finance and IT, and those granted work permits were primarily from Australia, India, Japan and the US (Salt and Bauer, 2020, p 21). The immigration reforms implemented by the Labour government in the early 2000s extended work permits to cover both high skilled occupations and areas facing specific labour shortages, and today the work permit system continues to be the mainstay of the post-Brexit immigration system (Dias-Abey, 2022).

## **The making of the national labour market**

The claim that the work permit contributes to the making of the labour market operates at two distinct levels. The first sense in which the work permit makes the labour market is that it controls the size of the market by increasing or decreasing the supply of workers as circumstances necessitate (Davies and Freedland, 1984). The work permit system allows government actors to influence not only the size but also the make-up of the (legal) labour market. By adding various conditions for the grant of a work permit – for example, salary and training requirements – those administering the system can choose to introduce workers with certain human capital endowments into the labour market. The work permit also constitutes particular power relations within a labour market. At most points in its hundred-year history,

a work permit has only been granted to a worker with a specific job offer, and then only for a limited time. It has remained within the discretion of the Ministry of Labour (and its later incarnations) to allow an extension or a transfer from one employer to another. This means to be able to renew their permit and continue to work, a permit holder is dependent on their existing employer to offer ongoing work or, if they are to change employers, on another employer to make a new job offer. The work permit hence provides employers with another mechanism of control and shifts power decidedly in their favour (Anderson, 2010).

The second sense in which the work permit has made the labour market is that it has helped consolidate a vision of the labour market at a national scale. Over the course of the 20th century, Britain went from being a globally oriented, free trading, world hegemon to a conventional nation state, albeit one made up of four ‘nations’ with distinct identities and governing structures. Historians disagree on the precise point at which Empire gave way to the nation state, with some seeing the end of World War II as a pivotal moment (Edgerton, 2018) and others positioning the end of the British Empire several decades later (Darwin, 2009). The introduction of the work permit in 1920 suggests nationalizing tendencies within the labour market were operating earlier. Adam Tooze has argued that the national economy is a ‘product of a dramatic process of imaginative abstraction and representational labour’ (1998, p 214), and we could say much the same about the national labour market. The labour market is of course an abstraction we use to describe the sum totality of the contractual relationships between those who buy and sell their labour power. In such abstract conceptualizations, the geographical scale at which the labour market operates remains underspecified (Peck, 1996). What the work permit helps communicate is a vision of the labour market as coterminous with the physical boundaries of the British Isles, because the administrative arrangements around the work permit presupposes state actors – officials at the Ministry of Labour and immigration inspectors at ports of landing – acting as guardians preventing external parties accessing the national labour market.

To claim that the national labour market is a feat of imagination does not mean that it does not operate as such. Beginning in the early 20th century, a national labour market was coming into being as a result of two main reforms. First, the creation of national labour exchanges in 1908 aimed to encourage those out of work to seek opportunities further afield. Second, the formation of the Ministry of Labour in 1916 inaugurated a national field of vision among policy makers, because departmental officials were required to collect and publish national statistics about ‘manpower’ and industrial relations issues, and to devise and implement solutions that were national in scope (Ince, 1960). Although in most cases workers still acquired their jobs through local channels, a national labour market was beginning to

take hold because of increasing worker mobility and increasing centralized bureaucratic control.

Once a labour market is imagined at a national scale, it becomes an object of knowledge and politics that creates the conditions for further intervention. We can see this process clearly at play if we focus on the factors that led to the introduction of the work permit and the chain reaction that its introduction set in motion. In the aftermath of World War I, the labour market was characterized by widespread unemployment and labour militancy, including by colonial subjects and aliens. These two facts of the labour market were front and centre in the minds of legislators and policy makers, and this resulted in a decision to control the labour market access of aliens and, later, the small number of colonial subjects working in Britain. The very fact that government intervention in this form was contemplated was the result of two previous developments. First, the legislation introduced between 1906 and 1914 to address unemployment had already constructed the labour market as an object of knowledge and politics capable of being shaped by government action. Second, the capacity to operationalize the work permit rested on an institutional architecture, such as the body of immigration inspectors with expertise to monitor those entering at ports, which was the result of the earlier Aliens Act 1905. Once the work permit had been implemented, it only reinforced the idea that the national labour market could be shaped and moulded through government action. Over the course of the next few decades, this new conceptualization of the labour market enabled much more radical forms of government action to achieve labour market outcomes. We can see that a variety of labour market interventions, such as labour law, income policy, social welfare entitlements and, most relevantly, immigration controls, were implemented in the post-World War II period based on newer ideas about the labour market and its malleability.

## Conclusion

When policy makers look at a problem and seek to devise solutions, they cannot but help reaching back into the past. In the case of migration, the history that is commonly referenced is the wave of migration from the former colonies that took place in the period 1950–70 (see, for example, [Patel, 2021](#)). There is no doubt those who migrated in this period have changed the face of British society in profound ways. Three snippets illustrate the significance of this period. Until very recently, the UK's government was led by Rishi Sunak, a prime minister who is a direct descendant of people that came to the UK in this wave of migration, as are several other members of his Cabinet, including current and previous holders of the office of the home secretary (see Chapter 11 in this volume). Some of those who bore the brunt of the government's 'hostile environment' policies introduced in

2012 were members of the ‘Windrush generation’. And across England and Wales, among the ‘non-White’ population who constitute almost one fifth of the population, the vast majority can directly trace their lineage to migrants who entered in the post-World War II period. Thus, the migration in this period is highly relevant to understanding Britain today.

Nonetheless, if we want to understand the rules that govern migration, the regulatory infrastructure and our conceptual frameworks informing the regulatory design of the migration system, we need to cast our minds back to an earlier period: 1905–25. The history of migration regulation in the early decades of the 20th century deserves its moment in the limelight of notoriety. For it was in this period that the UK first started to impose immigration controls on those who were seeking to enter its territory. The first legislative intervention, the Aliens Act 1905, sought to limit the entry of aliens by creating a corps of immigration officers who were empowered to turn away ‘undesirable’ migrants as defined in the legislation. In practice, this legislation achieved very little other than to shatter the consensus against immigration controls that had held sway throughout the 19th century. Next came the Aliens Restriction Act 1914, enacted at the start of World War I, which led to an almost total bar on alien entry, hastened the widespread usage of passports and resulted in the development of a deportation structure. When the Aliens Restriction (Amendment) Act 1919 was passed, it gave authority to the government to promulgate the Aliens Order 1920. Under that Order, the government started to closely connect migration with labour market conditions in its thinking and, in terms of practice, to treat entry as separate to the *privilege* of labour market access. A mere five years later, the application of the Aliens Order 1920 was extended to colonial subjects as a result of a new Order in Council, the Coloured Seamen Order 1925, thereby creating a system of racial stratification of which today’s segmented labour market still bears traces. These developments are absolutely key to understanding how and why the UK regulates migration in the way it does today.

## Notes

- <sup>1</sup> Under the common law, an ‘alien’ was understood to mean ‘one who is born out of the faith and allegiance of the King of England, and of parents owing no obedience to him’ (C. Okey, cited in [Rawlings, 2021](#), p 2). Section 27 of the British Nationality and Status of Aliens Act 1914 defined an alien simply as a ‘a person who is not a British subject’. See also [Smith, this volume](#).
- <sup>2</sup> This was an order made by the Monarch on the advice of the Privy Council and authorized under statute or the Crown’s prerogative powers and not subject to Parliamentary debate.

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