

## Who Belonged to Britain in the Time of Decolonisation?

Proposed supervisors: Prof Bernard Ryan (Law) & Dr Zoë Groves (History)

The project will examine the legal and policy interpretation of 'belonging' to the United Kingdom during the decolonisation process of the 1950s and 1960s.

The British Nationality Act 1948 created citizenship of the United Kingdom and Colonies ('CUKC status') as an equivalent to the citizenships of independent Commonwealth states. Through the 1950s, UK policy-makers then considered a distinction in immigration law between CUKCs who 'belonged' to the United Kingdom, and others, including colonial CUKCs. That distinction was put in place by the Commonwealth Immigrants Acts 1962 and 1968, and became the basis for the key concept of 'patriality' in the Immigration Act 1971.

Recent scholarly literature has highlighted the links between the debate over the restriction of Commonwealth immigration and the contemporaneous process of decolonisation. Leading examples are Nadine El-Enany's *Bordering Britain: Law, Race and Empire* (2020) and Ian Patel's *We're Here Because You Were There: Immigration and the End of Empire* (2021).

This project will add to that literature by a close examination of the approach within nationality law to retention of CUKC status as British territories became independent in the 1950s and 1960s. Firstly, because acquisition of a new state's citizenship was a precondition to loss of CUKC status, what was UK policy-makers' input into post-colonial states' nationality laws? Secondly, what was UK policy-makers' approach to defining the category of persons who would retain CUKC status, notwithstanding that they became citizens of a post-colonial state?

Within the project, we envisage one or more detailed case-studies concerning the approach to retention of British nationality during decolonisation. Leading examples of potential case-studies are as follows:

- The non-recognition of the initial citizenship laws of India and Pakistan (1950s)
- The special treatment of Southern Rhodesia in nationality law (1950s and 1960s)
- The model nationality clauses at decolonisation in the British Nationality Act 1958 (initially for Ghana)
- The nationality status of the South Asian population as East African states became independent between 1961 and 1964
- The differences between African and Caribbean states in the 1960s, due to variations in their initial nationality laws.

The project will draw upon mixed legal and historical methods.

The legal dimension will analyse two questions for post-colonial states in the 1950s and 1960s: the nationality law clauses within independence legislation, and the initial citizenship law of the state in respect of persons alive at the date of independence.

The historical dimension will focus on archive material on the process of separating CUKC status from the citizenship of post-colonial states. (See possible case-studies above.)

We envisage that a successful candidate would have a background either in Law or History, with the supervisory team providing methodological support as required. Ryan has written on the history of immigration law, and Desmond has written on the evolution of international law relating to migration. Groves has written on decolonisation and belonging/ citizenship in the territories which

are now Malawi, Zambia and Zimbabwe. Both Groves and Ryan have extensive experience of archival research.