

PART 2

Confidential Filing

The Nationality Bill

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PREM 19/1272

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
L(82) 17 th Meeting, item 3	23/11/1982
L(82) 95	18/11/1982
CC(82) 49 th Meeting, item 1	18/11/1982

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed J. Gray Date 20/9/2013

PREM Records Team

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

Cmnd. 9183 - The Government Reply to the Third Report from the Home Affairs Committee Session 1982 – 83 HC 248: British Nationality Fees. Published by HMSO March 1984.
ISBN 0 10 191830 5

House of Commons HANSARD, 29 July 1982, columns 353 to 355: Falkland Islanders Citizenship

Signed J. Gray Date 20/9/2013

PREM Records Team

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Ref. No: HA (84) 8

Date: 10/4/84

*BNF
11/4*

BRITISH NATIONALITY
FEES

1. Background
2. Select Committee Report
3. BNF White Paper
4. Appendix

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Enquiries on this brief to:

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British Nationality fees

1. Background

The passage of the British Nationality Act (which came into force on 1st January 1983) had considerable effect upon the number of applications for citizenships submitted to the Home Secretary. The Act created a new status of British citizen; despite assurances to the contrary from the Government, many people settled in the UK who had not applied for citizenship were worried about what their status would be under the Act. In consequence, the number of applications increased considerably.

This increase resulted in a lengthening of the time taken to determine applications, and costs mounted. The Government introduced streamlined procedures, and the Nationality Division of the Home Office, the subject of a "Rayner" scrutiny, was reorganised. In order to recover costs of processing applications, the fees were increased in April 1982 to £70 for entitlement registration and to £200 for most discretionary cases. These fees were due on application, and not, as previously, on grant.

Between 1978 and 1981, the average number applying annually was 52,000. By the end of 1982-83, 96,000 applications had been received, of which 61,000 had been in the last five months of the year. Taken with the changes in fees and the timing of their payment, the result was a much altered cash flow in the Division.

2. The Report of the Home Affairs Select Committee

This report (Third report, Session 1982-83: British Nationality Fees, HC 248) made a number of recommendations. Principal amongst these were:-

- (i) The establishment of further working groups to handle the current upsurge of applicants
- (ii) The extension to all police forces of the Home Office/Metropolitan Police procedures cutting time and costs while maintaining Standards
- (iii) The immediate installation of a satisfactory telephone exchange for the Division
- (iv) Significant changes to the overall level of fees, and in particular to the fees paid by families and those in receipt of supplementary benefit or family income supplement

British Nationality Fees White Paper (Cmnd. 9183)

The Government published the White Paper on 7th March 1984. It accepted the majority of the recommendations of the Select Committee. The new budgeting and accounting arrangements, allied to improved processing methods and high productivity, have required a new Fees Order, also laid before Parliament on 7th March 1984.

a) Fees

From 1st April 1984, the old fee structure has been simplified. New fee levels are:-

- (i) £55 for most registrations as a British citizen (previously £70)
- (ii) £160 for most naturalisations (previously £200, or £270 for a joint husband and wife application)

- (iii) £55 for the registration of a minor, though second and subsequent minors, if they apply at the same time, will pay nothing (previously £35; the new fee reflects full costs)
- (iv) a £10 non-returnable element to be paid by unsuccessful applicants

(See Appendix for a review of the effect of the new tariffs on Family Groups)

The Government rejected the Select Committee's conclusion that the Home Office made a profit on the fees collected in 1982-83. The White Paper stated:-

"In reaching that conclusion the Committee confused cash with profit
..... at the end of 1982-83 there remained £2.64 to meet the liability to process the applications then in hand it was not profit, and neither the sum of £2.64 nor any other sum received in 1982-83 is available to pay for anything other than the cost of considering the applications with which the money was received."
(paragraph 20).

("British Nationality Fees" White Paper Cmnd. 9183)

b) Other Changes

The Government accepted the Committee's recommendations for simplifying and speeding up the process of nationality applications. The police are now able to conclude local enquiries in some naturalisation cases without conducting an interview and without using a full narrative report form. The financial benefit to applicants has been taken into account in the forecast budgets for 1983-84 and 1984-85. The committee recommended that where enquiries are still needed, they should be undertaken by civil servants, based at regional centres, by mid-1985. The Home Office has already established an Immigration Service.

Within the Nationality Division extra staff have been deployed on caseworking and the Committee's recommendations on improving contacts with the public have already been implemented. Following the flood of applications received late in 1982 and early 1983, the time that applicants have had to wait for the completion of their applications has increased, but an improvement is in prospect.

Mr David Waddington, Minister of State at the Home Office, summed up the benefit of the new arrangements:

"Thanks to tighter financial and management controls we shall be able to lower nearly all nationality fees while still recovering full costs. The benefits of the new fees structure will be felt most by families.

The simplified and speedier processing of applications and the more efficient use of police inquiry time, will, I feel sure, convince all those seeking British nationality, including the ethnic minority communities, that they are paying a fair and sensible rate for a fair and sensible service."

(Press release, 7th March 1984)

APPENDIX

Examples of Fee Tariffs on Family Groups

	Previously (£)	Proposes (£)
Adult registration	70	55
Husband and wife (two registrations)	140	110
Adult naturalisation	200	160
Husband and wife (joint naturalisation)	270	160
One parent (regn.) and one child	105	110
One parent (regn.) and three children	105	110
Two parents (natn.) and one child	305	215
Two parents (natn.) and three children	305	215
Two parents (natn.) and one adult child	470	320
Two parents (natn.) and three adult children	870	640

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

7 March 1984

Dear David

pa
Jmb
7/3

... The Home Secretary thought the Prime Minister and Cabinet colleagues would like to have the enclosed copy of the White Paper on British Nationality Fees which is to be published this afternoon.

Copies of this letter go to the Private Secretaries of Cabinet members, the Attorney General, the Chief Whip and Sir Robert Armstrong.

Yours sincerely

Karin Pappas

KARIN PAPPAS

David Barclay Esq

~~CCNO~~



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

5 March 1984

Dear Sir

DMB
6/3

HOME OFFICE RESPONSE TO THE HOME AFFAIRS COMMITTEE:
NATIONALITY FEES

Thank you for your letter of 29 February enclosing the text of your White Paper. I agree that the outcome of the Nationality Department's review is very welcome and am content that you should go ahead with publication on 7 March.

I am sending copies of this letter to the Prime Minister, to the Foreign and Commonwealth Secretary, to members of H Committee and to Sir Robert Armstrong.

The Rt Hon Leon Brittan QC MP

Immigration: Nationality Bill pt 2.

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HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT



- 1) Mr Fletcher
- 2) Prime Minister (4)

To note that the White Paper on Nationality Fees will be published on 7 March.

29th February 1984

There may be some controversy over the "profit" which the Home Office is alleged to have made out of these fees in the past - see paragraphs 20 and 21 of the draft.

HOME OFFICE RESPONSE TO THE HOME AFFAIRS COMMITTEE:
NATIONALITY FEES

Drus
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I am circulating with this letter, and for information, the text of a White Paper which is the Home Office response to the Third Report from the Home Affairs Committee (Session 1982-83) on British Nationality Fees.

The White Paper is wide-ranging in the strategy it sets out and, I think you will readily agree, very satisfactory in its immediate results. Using a new accounting and fee setting arrangement, and with improved procedures and productivity, we are able to introduce from 1 April reductions in fees for the vast majority of applicants while holding generally to our policy of full cost recovery.

The Treasury has the major Departmental interest in our conclusions, and the Chief Secretary is content, subject to the level of the non-returnable element being re-examined in due course.

We aim to publish the White Paper on 7 March and lay a new Fees Order as soon as possible thereafter.

I am sending a copy of this letter, and its enclosure, to the Prime Minister, the Foreign & Commonwealth Secretary, members of H Committee, and Sir Robert Armstrong.

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The Rt Hon Viscount Whitelaw, CH., MC.

THE GOVERNMENT REPLY TO THE THIRD REPORT FROM THE HOME AFFAIRS
COMMITTEE (SESSION 1982-83, HC 248)

BRITISH NATIONALITY FEES

1. The British Nationality Act came into force on 1 January 1983. It superseded earlier nationality statutes and created a new British citizenship. It stated the categories of people eligible for citizenship, set out the statutory routes - including preserved entitlements - by which they might acquire it, and outlined the processes by which eligibility might be verified. During the years of public discussion leading to the passage of the Nationality Bill through Parliament an increasing number of applications for citizenship were submitted to the Secretary of State. The length of time taken to determine these applications and the costs involved caused concern to the Government and to applicants and intending applicants alike. Streamlined procedures were introduced; the Nationality Division was the subject of a Rayner scrutiny; and reorganisation on the basis of all-purpose caseworking groups, in place of a number of specialised groups, was carried forward. By the second half of 1982, the delays in completing cases had been much reduced, and with the new legislative framework in place further review of the nationality operation could proceed.

2. In order to recover the costs of processing applications fees were increased in April 1982 to £70 for entitlement registration and to £200 for most discretionary cases. The new fees were due on application and not as previously on grant. Subsequently the Home Affairs Committee conducted an enquiry to examine the processing of applications, how fees were calculated, what costs were built into fees, and whether fees could be reduced: and a report was ordered to be printed on 4 May 1983, based on evidence taken during the previous four months (Third Report from the Home Affairs Committee, Session 1983: British Nationality Fees (HC 248)).

3. In developing its strategy for the future administration of nationality matters the Government has taken careful account of the recommendations of the Committee. For convenience, the recommendations are listed and numbered in Annex A, and subsequent references are to those numbers. Most of the proposals made in the report have been accepted in full or in part and many have already been implemented.

4. Towards the end of 1982 the number of applications for citizenship greatly increased. In spite of clear assurances given by the Government during the passage of the Nationality Bill people who were settled here but who had not yet applied for citizenship were apparently in some fear that if they did not apply before 1 January 1983 they stood to risk losing any entitlement to citizenship they might possess and could even face removal from the Country. Groundless though these fears were, they stimulated a flood of enquiries and applications. By the end of the financial year 1982-83, when it was possible to take stock, it was found that some 96,000 applications had been received, 61,000 of them in the last five months of the year (the average annual intake between 1978 and 1981 was 52,000). These applications brought with them fees at the rate set in April 1982.

5. During the remainder of 1983, the intake of applications subsided but the effect of the surge was to increase significantly the number of uncompleted cases held by the Nationality Division. Good progress has been made in dealing with them and the number of uncompleted cases now stands again at the level of late 1982 although in contrast there are more at the earlier stages of the process than there were then.

6. The Government's strategy for the nationality operation is to make it efficient and to make it fair, and seen to be fair, as between applicants and the taxpayer, in the recovery of costs. The Government is open to proposals to change traditional methods of work provided that the necessary standards are preserved.

There are four main areas where action has been taken or is planned:

- 1) the meeting by the Nationality Division of requests for information and application forms;
- 2) the time taken to process applications, particularly those involving enquiries outside the Nationality Division, and the desirability of reducing enquiry costs while at the same time maintaining adequate standards;
- 3) the level of fees to be paid by applicants, including the methods by which costs are assessed and fees calculated on a basis which recovers full cost; and
- 4) improvements in the nationality operation including a reduction in the present use of police resources.

Response to requests for information

7. In 1982 the number of requests for assistance with individual nationality problems sharply increased as did the demand for application forms and for information leaflets, many of which were called for in large quantities. At times all these requests could not be met.

8. An intending applicant may contact the Nationality Division by post, in person or by telephone. Letters seeking information about nationality matters are dealt with by the General Enquiries Section. New working methods now enable a more rapid response to enquiries with fewer staff and on average an answer is now sent within five working days.

9. Personal callers are dealt with at the Public Enquiry Office which came under unprecedented pressure towards the end of 1982. This highlighted a number of opportunities for improvement, but may also have given a misleading impression of the level of provision that is generally required.

The office systems in use have been overhauled on the basis of an organisation and methods report which has improved security and cut out unnecessary paperwork, thus allowing the staff to devote more time to their customers: the present staffing level provides over a quarter of an hour per enquiry, and something like 2,250 people are now seen every month. Complaints have dropped sharply, but will continue to be closely monitored. The Public Enquiry Office will be moved to new accommodation later this year, in order to enlarge the facilities available to customers and staff (recommendation 4).

10. In 1982 and the earlier part of 1983 ~~old~~ equipment and too few lines all too often meant the engaged tone for telephone callers. During the course of last year the number of lines was increased from four to six which was the maximum improvement possible with the equipment then available: and in mid-December a completely new system with up to 15 incoming lines was installed. A recent survey has shown that virtually all calls are now answered as they are made. It has also been possible to identify peak periods and staffing levels are adjusted to take account of demand, which will be regularly monitored (recommendation 5). The staff themselves have been given special training both in the use of the telephone equipment and in dealing with individual members of the public over the telephone.

11. The improvements in the Nationality Division's ability to respond to requests from outside for information has been supported by the reorganisation of the three Enquiry Sections referred to above (General, Public and Telephone) under one line manager, giving greater flexibility in the deployment of staff.

12. A wide range of information leaflets and application forms is available. Since the end of the surge of interest associated with the coming into force of the Act all orders for the wide range of information leaflets and application forms which are available, including those for bulk supplies, have been met in full and without delay (recommendation 1). In addition steps have been taken to bring citizenship by application to the notice of a wider public. The Government had concluded that the complexity of nationality matters

ruled out making the several different application forms available unless expert guidance could be offered at the same time. The Committee agreed (recommendation 2) but suggested that a general form, which an intending applicant could fill in to give relevant background details to his case, should be available in Post Offices. This proposal (recommendation 3) has been considered and it has been decided that at a cost of some £45,000 the 1600 Crown Post Offices should display a poster to advertise the Home Office services for people wishing to apply for citizenship or with other enquiries about nationality matters. Thus the emphasis remains on the ability of the Home Office enquiry staff to provide advice directly to those concerned. The posters were first put on display on 1 March and the progress of the campaign will be monitored during the following twelve months. The cost will not be passed on to applicants but will be met - as a general information service - by government.

13. The various improvements mentioned in paragraph 7 - 12 above have made the Nationality Division increasingly approachable by those who would like to acquire British citizenship or who simply wish to sort out a problem in this complex area of law.

Processing applications

14. Since the end of 1982 the problem for management has been to deal with the additional influx of applications while keeping the administrative machine in good order and maintaining, and wherever possible, increasing productivity. The Committee put the emphasis on the creation of additional caseworking groups to handle the upsurge (recommendation 6). The Government, however, is concerned to seek by the deliberate imposition of tight controls on resources to stimulate better and more productive management.

15. The emphasis within the Nationality Division has been to make more productive use of a slightly increased staff complement (283 as against 269 when the Committee conducted its enquiry). The eleven case-working groups have been enlarged from 13 to 16 staff. Thus the equivalent of two new groups has been formed partly from General Enquiries Section, partly from the Certificates and Oaths Section (which was wound up in

March 1983) and partly from outside recruitment. There are difficulties in expanding manpower in a very complex area of administration in order to meet a short-term peak of demand. To have tried to create new case-working groups in the circumstances of the first six months of 1983 would have posed serious training and management problems. It takes between eight months and a year for staff to become fully proficient nationality case-workers and the investment in formal and informal training is considerable. It was concluded that the increase in the number of case-workers described above was manageable, and imposed no insuperable training problems, particularly as it allowed untrained staff to work alongside and under the guidance of trained staff. As expected, average waiting times have increased and will continue to do so for a little time yet; but a downturn is now in prospect. The productivity of the case-working groups (not simply in terms of output of certificates but also in terms of advancing work in progress) has grown since July 1983. The Committee's aim of putting more manpower on to more productive caseworking has been met within the constraints imposed by the need to assimilate new staff in an orderly fashion.

16. For some years measures have been taken to simplify the outside enquiries conducted by the local police and, in the London area, by the Metropolitan Police and the Immigration Service. The Metropolitan Police contributed to the Rayner review of nationality work and the waiving of some personal interviews was subsequently introduced in London in February 1981. The Committee proposed (recommendation 9) that this procedure should be extended to all forces forthwith. During 1982 the Nationality Division began to develop a pro forma type report and an example of the form was circulated to police representatives in March 1983 shortly before the Committee reported in favour of its general use (recommendations 10 & 11). Since 1 February 1984 the system has been in operation in all police forces and the Immigration Service, the budgets for 1983/84 and 1984/85 take account of the consequent reduction in Police costs.

A New Regime for Nationality Fees

17. The effect of requiring payment on application was to bring forward into 1982-83 fees which for the most part would have been received in later years on the completion of the applications to which they related. This together with the large number of fees submitted with applications as part of the surge in intake already referred to led to a large cash surplus in the year. The in-year cash budgeting and accounting systems then in use had as their primary objective the balance of cash receipts against expenses. They should not have caused material unfairness to applicants but they did fail to demonstrate the extent to which costs had been recovered. Achieving, or failing to achieve, a balance between cash received and costs incurred in any one year is not an adequate measure of cost recovery.

18. In an interim response in July 1983 the Minister of State said that the Home Office was looking again at these budgeting and accounting systems. But at the same time he indicated that he did not draw the conclusion from the existence of a cash surplus on the year that the Home Office had received money which was excessive having regard to the work which had been done or remained to be done. Of the cash taken during 1982-83 some £2.64M remained to cover the liability to complete applications received in 1982-83.

19. The Government has now completed its consideration of the systems to be used in budgeting, fixing fees and accounting for the nationality operation. These systems are described in Annex B. The budget forecasts costs and apportions them between the various kinds of applications, largely according to the average amount of work that each kind requires. Because fees are taken in advance full credit is given for notional interest. Police costs have been calculated at actual rates rather than at the "commuted rate" charged to private employers (recommendation 12). Only part of the cost of Nationality Division staff who do not work full time on applications has been counted towards the calculation of fees (recommendations 7 and 8). The Government has given careful consideration to the Committee's report and to other representations but remains of the view that the cost of considering nationality applications should not be met by the taxpayer. The fees policy that the Government has decided to follow is that wherever possible the full costs of the service provided by the nationality operation should be recovered from those who use it.

20. The Government cannot accept the suggestion in paragraph 25 of the Committee's report that a "profit" of about £6M was made on the nationality operation in 1982-83. In reaching that conclusion the Committee confused cash with profit. Of that £6M, £3.79M related to applications when a fee was payable once the application had been granted. When that was changed to payment in advance each nationality application carried with it not only the fee but also the liability on the Division to undertake the work needed to process the application. At the end of 1982-83 there remained £2.64M which was not a profit, but a sum to meet a

liability - the liability to process the applications in hand at the end of 1982-83. It had to be used to pay for the work that the Home Office in accepting the applications had yet to do. If, after this work had been paid for, some cash remained, there would have been a profit; there would have been money with no claim on it which the Home Office could have used freely. But in fact fees had been set to recover full cost, not to make a profit.

21. Accordingly, as the Minister of State said, there is no evidence to indicate the existence of any profit, and neither the sum of £2.64M nor any other sum received in 1982-83 is available to pay for anything other than the cost of considering applications with which the money was received. The Committee proposed that the so-called profit should be put towards the cost of processing applications for entitlement registrations, for which no fees should be charged (recommendation 18). For the reasons given above the Government cannot accept this recommendation. It would involve a new and continuing subsidy from the taxpayer.

22. In developing the financial systems to be used in 1983-84 and subsequently, the Government has considered the method of fee setting proposed by the Committee (recommendation 15). On that footing the charges to applicants in any year would be based on the forecast costs of that year divided by the number of applications received in the previous year. Such a system would not meet the objective: categories of applicant for naturalisation and registration should only be asked to pay a fee to cover the costs they incur. That fee should be linked to the amount of work that needs to be done in processing their applications. Were the Committee's proposal to be adopted the level of fees would depend largely on the number of applications received in the previous year. If by chance relatively few applications were received one year, then applicants in the succeeding year would be charged much more than if a flood of applications had been received. And yet the work needed to process the applications would be no different. This would be inequitable. Furthermore as such a system would depend critically on the numbers of applications in each year, uneven flows would lead to large and undesirable fluctuations in fee levels and possibly also to short term over or under-recovery of costs.

Fees in 1983-84

23. The budget for 1983-84 took fees at the level set in April 1982. On that footing a loss of £0.2M is forecast for the year. This takes account of material under-recovery from the fees charged to minors, whose applications for registration are each of them virtually as costly to process as those of adults, so that the fee of £35 for only the first minor (and nothing for subsequent minors) was doubly concessionary. The Government will not seek to recover this loss. A summary forecast profit and loss account is at Annex C.

Fees in 1984-85

The Government will be able to build on the good levels of productivity referred to earlier in this paper. Their effect will be to permit a simplification of the fee structure and a decrease in the overall level of fees. The Government will bring forward a new fees Order to govern applications made on or after 1 April 1984.

25. The summary forecast profit and loss account for 1984-85 is at Annex D; the fee tariff for 1984-85 is summarised in Table 1. It is proposed that applicants for registration will in general be charged £55, a reduction of £15 on the existing fee. In the case of minors this sum will be payable by the first minor, in recognition of the fact that the present tariff for minors has led, and would continue to lead, to material under-recovery. But it will be sufficient to recover full costs while preserving the existing pattern whereby no further fee is payable for second and subsequent minors (children of the same parents). Single applicants for naturalisation will be charged £160, a reduction of £40. There will be no additional charge for the joint naturalisation of a husband and wife applying together; this represents a reduction of £110.

TABLE 1

	<u>1.4.82 to 31.3.84.</u>	<u>1.4.84 onwards</u>
Registrations		
adult	£ 70	£ 55
minor	£ 35	£ 55
Naturalisations		
single	£200	£160
joint	£270	£160

Registration of a minor within twelve months of birth by reason of the father's citizenship (Sections 9, 21 and 27(2) of the Act) at present attracts a fee of £10 and this will remain the same. Fees for registration of a declaration of renunciation and supplying a certified copy of a certificate will both be set at £10, at a reduction of £25 and £5 respectively.

26. The effect of this simplified tariff will be to direct the benefit of the reductions in fee levels towards families and the greatest reductions will be felt where the burden on families is at present heaviest (recommendation 17). The size of the cash advantage in cases where several members of a family are all seeking naturalisation may amount to as much as £200 or more (illustrative examples are at Annex E). In total the proposed tariff represents a saving of 17% for the body of applicants as a whole on the sum they would pay were the present rates to remain in force.

27. The proposed tariff also assumes a change in the existing policy under which the cost of unsuccessful applicants has been paid for by the successful. In 1984-85 the bulk of the cost of the unsuccessful will be borne by the taxpayer (recommendation 14) at some £0.3 million; were this change not to have been made the level of fees would have been £60 for registration and £170 for the main naturalisation categories. It remains the case, however, that the unsuccessful have incurred costs which have to be paid for. From 1 April 1984 the sum of £10 will not be refunded if an application is refused or withdrawn, although the balance of the total fee will be refunded.

28. The Government have had regard to the general approach to the recovery of costs set out in paragraph 19 above, and to the assistance to be given to family applications (paragraph 26 above). In the light of these considerations the Government do not propose to accept the Committee's proposal (recommendation 16) that there should be no charge to those in receipt of supplementary benefit or family income supplement.

29. In recovering the costs of the nationality operation, except those arising from unsuccessful applications, the Government has sought to ensure that the financial burden is borne by those who use the service. The new methods introduced to measure the burden are intended to demonstrate to the taxpayer and applicants alike that no unjustified costs are involved and that the amount of work undertaken in processing applications has been satisfactorily measured. Tighter financial discipline (and increased emphasis on the financial aspects of the management of the nationality operation promise a level of productivity that would lead to over recovery of costs if the existing level of fees were maintained. Accordingly it is right that this year fees overall should be cut. For the reasons given in paragraphs 19-22 above the Committee over-estimated the extent to which fees could be reduced. But the reductions in the new 1984-85 tariff are significant and will, as the Committee hoped, benefit those families which have hitherto faced the heaviest burden; in addition, successful applicants will no longer carry the cost of unsuccessful applicants. The

Government believe that, taken together with the proposals for improving the methods used by the Nationality Division, the police and the Immigration Services, the new budgeting and accountancy systems fully meet the Committee's objective that costing should be based upon an efficient while still effective operation (recommendation 13).

Looking to the future

30. In managing the nationality operation the Government will continue to look for opportunities to introduce modern methods. In its report the Committee stated (paragraph 9):

"We consider the procedures within B4 (that is, the Nationality Division) are satisfactory and are not themselves a cause of delay."

The technical improvements achieved in the Nationality Division's Telephone Enquiry Bureau are set out in paragraph 10 above and further improvement is in prospect with the introduction of a PABX system for the whole of the Immigration and Nationality Department (IND). The emphasis in case-working groups on speed of service to the applicant needs to be balanced against the need to carry out efficiently what is essentially a regulatory operation. Divisional instructions will however be reviewed to ensure that streamlining is extended wherever possible.

31. It is the Government's intention to investigate further the scope for transferring the conduct of outside enquiries from the police to the staff of IND. The use of the police for this work has a long history and, considerations of cost and local knowledge may well point in the direction of their continued involvement. But the Immigration Service's Harmondsworth centre will continue to undertake interviews and will be expanded if the number of cases requires it. In addition a pilot scheme in Birmingham was begun on 1 March. Members of the Immigration Service will conduct some of the enquiries in applications for citizenship which would otherwise have been

dealt with by the West Midlands police. This scheme will be closely monitored. If it is successful it will bring clear and immediate benefits to the police, and also to applicants who will experience reduced waiting times. It could be a pattern for setting up similar enquiry centres in some of the major conurbations. It will be necessary to proceed by stages as there will also be implications for civil service manpower and for other aspects of the work of the Immigration and Nationality Department. But the ultimate prospect is of a significant transfer of work from the police to the Home Office. Although the Government is not able at this stage to accept the Committee's proposal (recommendation 19), that from mid-1985 B4 staff of executive officer grade should undertake outside enquiries at a number of regional centres, the recommendation is being held open for further consideration. The regional experiment is being begun well in advance of mid 1985 so that the practical experience gained can support any further changes that appear desirable.

Conclusion

32. The Committee's report has greatly assisted the Government in formulating its strategy for the nationality operation. It is indicative of the similarity between their objectives that the Government has been able to accept so many of the Committee's proposals in this White Paper.

HOME AFFAIRS COMMITTEE

Summary of recommendations in report of inquiry
into British Nationality Fees

<u>Paragraph No of report</u>	<u>Recommendation</u>	<u>Paragraph No of this Paper</u>
6.	1. We recommend that they* be supplied with as many application forms as they require. *(Citizens' Advice Bureaux, law centres, Solicitors, Members of Parliament).	12
6.	2. We recommend that application forms should not be available in Post Offices.	12
6.	3. We recommend that the Home Office consider making only this form* available in Post Offices. *(A general form, on the basis of which B4 send the appropriate form to an applicant).	12
6.	4. We recommend that B4 Enquiry Office in Croydon be expanded in size.	9
6.	5. We recommend the <u>immediate</u> installation of a satisfactory telephone exchange.	10
10.	6. We recommend the establishment of further case-working groups to handle the present upsurge of applicants, either through the temporary relocation of other Home Office staff or through the recruitment of extra staff.	14-15
12.	7. We recommend that the cost of staff in B4 who do not work on applications should not count towards the calculation of fees.	19

<u>Paragraph No of report</u>	<u>Recommendation</u>	<u>Paragraph No of this Paper</u>
12.	8. We recommend that only half of the cost of those senior staff who do some work unrelated to applications should count towards the calculation of fees.	19
17.	9. The Home Office, in consultation with the Metropolitan Police, have developed a procedure which reduces delays, cuts police time and costs, yet maintains adequate standards. We recommend that it be extended to all forces forthwith.	16.
18.	10. We recommend that the use of "pro-formas" be extended to all police forces forthwith.	16
19.	11. We emphasise that our recommendations on outside inquiries must be implemented immediately. We welcome the commitment of Mr Waddington to deal with these problems.	16.
21.	12. We recommend that the [police] hourly rate and the charge for travel should be based upon actual costs and salaries.	19
22.	13. We recommend that costing should be based upon an efficient whilst still effective operation.	29
26.	14. We recommend that the cost of unsuccessful applicants should <u>not</u> be passed on to successful ones and should instead be borne on the Home Office Vote.	27
27.	15. We recommend that, using the reduced costs we have recommended for B4 and outside inquiries, the Home Office should fix charges every year upon the costs of the coming year divided by the number of applications received the previous year.	22

Paragraph No
of report

Recommendation

Paragraph No
of this Paper

- | | | | |
|-----|-----|---|----|
| 28. | 16. | We recommend that the Home Office should not charge any applicant for naturalisation or discretionary registration who at the time of application is in receipt of supplementary benefit or family income supplement. | 28 |
| 28. | 17. | We recommend that where there is more than one application by a family there should be one fee for the whole family unit. | 26 |
| 32. | 18. | We recommend that there should in future be no charge for entitlement registrations. | 21 |
| 34. | 19. | We recommend that from mid-1985 B4 staff of executive officer grade should undertake outside inquiries. | 31 |

F.R.

The new budgeting and accounting systems

1. The new budgeting and accounting systems have been developed within the Home Office and with assistance from the Treasury's Accountancy, Finance and Audit Division.
2. The budgeting system enables the Division to calculate the level of fees necessary to meet the current fees policy which is the recovery wherever possible of full costs. The accounting mechanism provides a record of performance in respect of work on nationality applications.

(a) The budgeting system involves three stages:

- (i) the identification and estimation of all costs, direct and indirect, involved in the Nationality operation. This is achieved by tracing an application through the system, from entry at the Post Room to exit after registration or naturalisation or refusal. Once the relevant costs have been identified forecasts of costs can then be made for the forthcoming year;
- (ii) the establishment of a base productivity measure. Considerable practical difficulties have been encountered in carrying out this stage because the processing of applications requires varying amounts of work by differing grades of staff. However, on the basis of past management experience, a scale has been devised which weights different categories of application on a composite cost and time basis. The work required to process each category of application is then expressed in terms of base units of productivity.
- (iii) the apportionment of costs over the various categories of application, principally on the basis of the number of productivity units to process the application. It is then possible to calculate the fee required to cover the average cost of handling each category of application. Credit is given for interest on the advance fee payment.

(b) The accounting system adopts the accruals basis of accounting. This recognises explicitly that money may be received in one period in respect of work which will take place in a different period. Income is taken as the fees earned on certificates issued; and an adjustment is then made for the change in work in progress. Credit is also taken for interest on fees paid in advance. Against these are offset total costs for the period and a profit/loss thereby calculated. Full cost recovery would mean no profit and no loss, but given that some forecasting error, eg on costs or productivity, is probably unavoidable, it is unlikely that a nil profit/nil loss outcome will be obtained for any particular accounting period.

3. The new accounting system will no longer simply throw up cash surpluses or shortfalls as the previous system did. It should provide a more realistic basis on which to assess performance on nationality fee work. Rather than comparing cash receipts, which do not necessarily relate to the work done in the period and the associated expenses, it takes into account fees received in respect of work completed together with the monies earned pro rata by partially completed applications. The expenses of the period are then deducted from the aggregate of these amounts and the interest earned on cash balances. Any significant surplus or loss will mean that forecasts of productivity and/or costs were not achieved and fees charged did not therefore completely reflect the costs incurred. The system should provide a fair measure of cost recovery, but it should be noted that at present it is still relatively primitive - it cannot yet cope with certain lags in the system - and as more practical experience is gained, it will be subject to further improvement and refinements. Small profits or losses will not necessarily be indicative of over or under cost recovery.

Nationality Fees: Income and Expenditure Account
for the year ended 31 March 1984

	<u>Note</u>	<u>£000</u>	<u>£000</u>
Income	2		5354
Change in work in progress	3		(948)
			<u>4406</u>
Interest	4		<u>408</u>
			4814
Raw materials and consumables	5	267	
External charges	6	1686	
Staff costs	7	2834	
Other operating charges	8	<u>363</u>	
			(5085)
Profit/(Loss) for the financial year			<u>(271)</u>

The notes below form part of this account

1. Principal Accounting Policies

- (a) The accounts are prepared under the historical cost convention, modified to include a cost adjustment on opening work-in-progress.
- (b) Work in progress is valued on a 'first in, first out basis', at the lower cost and net realisable value. Cost is taken as the cost of labour plus all attributable overheads. Net realisable value is taken as cost less attributable interest.

2. Income represents fees credited at the prevailing rates in respect of certificates issued during the period.

3. Change in work-in-progress is as follows

	<u>£000</u>
Closing work-in-progress	2190
Opening work-in-progress	(3138)
	<u>(948)</u>

4. Interest on cash balances has been computed at 10%.

5. Raw materials and consumables include

	<u>£000</u>
Fuel and utilities	25
Stationery and printing	67
Telephone, telex and postage	175
	<u>267</u>

6. External charges include

	<u>£000</u>
Accounts charges	87
Computer charges	84
Security, legal, training and miscellaneous charges	64
Police and immigration service charges	1451
	<u>1686</u>

7. Attributable staff salaries, Social Security and pension costs during the year were as follows

	<u>£000</u>
Caseworking staff	1455
Management	218
Training, Administration, Policy and other staff	257
Enquiry offices	215
Registry and post room	483
Other common service staff	206
	<u>2834</u>

8. Other operating charges include

	<u>£000</u>
Rent and rates	287
Minor works and fixtures and fittings	11
	<u>298</u>

Nationality Fees : Income and Expenditure Account
for the year ended 31 March 1985

	<u>Note</u>	<u>£000</u>	<u>£000</u>
Income	2		4865
Change in work in progress	3		(392)
			<hr style="width: 100%;"/>
			4473
Interest	4		397
			<hr style="width: 100%;"/>
			4870
Raw materials and consumables	5	311	
External charges	6	1480	
Staff costs	7	3040	
Other operating charges	8	363	
			<hr style="width: 100%;"/>
			(5194)
			<hr style="width: 100%;"/>
Profit/(Loss) for the financial year			(324)
			<hr style="width: 100%;"/>

The notes below form part of this account

1. Principal Accounting Policies

- a) The accounts are prepared under the historical cost convention, modified to include a cost adjustment on opening work-in-progress.
 - b) Work in progress is valued on a 'first in, first out basis' at the lower of cost and net realisable value. Cost is taken as the cost of labour plus all attributable overheads. Net realisable value is taken as cost less attributable interest.
2. Income represents fees credited at the prevailing rates in respect of certificates issued during the period and non returnable deposits on unsuccessful applications .
 3. Change in work-in-progress is as follows

	<u>£000</u>
Closing work-in-progress	1308
Opening work-in-progress	(1700)
	<hr style="width: 100%;"/>
	(392)
	<hr style="width: 100%;"/>

4. Interest on cash balances has been computed at 10%.

5. Raw materials and consumables include

	<u>£000</u>
Fuel and utilities	47
Stationery and printing	70
Telephone, telex and postage	194
	<u>311</u>

6. External charges include

	<u>£000</u>
Accounts charges	94
Computer charges	86
Security, legal, training and miscellaneous charges	80
Police and immigration service charges	1220
	<u>1480</u>

7. Attributable staff salaries, Social Security and pension costs during the year were as follows

	<u>£000</u>
Caseworking staff	1597
Management	172
Training, Administration, Policy and other staff	309
Enquiry offices	226
Registry and post room	518
Other common service staff	218
	<u>3040</u>

8. Other operating charges include

	<u>£000</u>
Rent and rates	343
Minor works and fixtures and fittings	20
	<u>363</u>

1	Adult registration	70	55	- 21%
2	Husband and wife - two registrations	140	110	- 21%
3	One minor child	35	55	+ 57%
4	Two minor children	35	55	+ 57%
5	Three minor children (or more)	35	55	+ 57%
6	Adult naturalisation	200	160	- 20%
7	Husband and wife - joint naturalisation	270	160	- 41%
8	S.6(2) spouse - naturalisation	70	55	- 21%
9	One parent (regn) and one minor child	105	110	+ 5%
10	One parent (regn) and two minor children	105	110	+ 5%
11	One parent (regn) and three minor children (or more)	105	110	+ 5%
12	One parent (natn) and one minor child	235	215	- 8%
13	One parent (natn) and two minor children	235	215	- 8%
14	One parent (natn) and three minor children (or more)	235	215	- 8%
15	One parent (natn) and one adult child	400	320	- 20%
16	One parent (natn) and two adult children	600	480	- 20%
17	One parent (natn) and three adult children	800	640	- 20%
18	Two parents (regn) and one minor child	175	165	- 6%
19	Two parents (regn) and two minor children	175	165	- 6%
20	Two parents (regn) and three minor children (or more)	175	165	- 6%
21	Two parents (joint natn) and one minor child	305	215	- 29%
22	Two parents (joint natn) and two minor children	305	215	- 29%
23	Two parents (joint natn) and three minor children (or more)	305	215	- 29%
24	Two parents (joint natn) and one adult child	470	320	- 32%
25	Two parents (joint natn) and two adult children	670	480	- 28%
26	Two parents (joint natn) and three adult children	870	640	- 26%

Immigration

2



Prime Minister

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

MCS 3/6

3 June 1983

Dear John

ms

BRITISH OVERSEAS CITIZENS: CANADIAN VISAS

The Home Secretary has suggested that the Prime Minister may wish to be aware of a problem facing holders of British Overseas citizen (BOC) passports that might lend colour, during the Election campaign, to charges that the British Overseas citizenship is a second class citizenship. The matter has not yet, to our knowledge, come to the notice of the immigration lobby, but if it does in the next few days, they may draw attention to the Labour Party's commitment "to consult Commonwealth Governments so as to resolve the question of British nationals with no other citizenship" and to their intention to give full British citizenship (and thus a right of entry to the UK) to BOCs from East Africa.

The Canadians made an Order in Council on 15 April which precludes the affixing of Canadian visas to a BOC passport if the holder is not entitled to admission to the United Kingdom even when the passport contains a residence permit issued by a third country, such as Kenya and, apparently, even if no more than a visit to Canada is intended. The Canadians did not consult or inform us before making their Order.

Any country is free to decide whom to admit and we cannot compel the Canadians to accept BOC passports, but the actual position of the holder of a BOC passport issued since the beginning of this year when the 1981 Act took effect is no different from that of the holder of a citizen of the United Kingdom and Colonies passport issued between 1968 and 1982 which described the holder as subject to UK immigration control. The Foreign and Commonwealth Office will try to persuade the Canadians of this, and to modify their new rule.

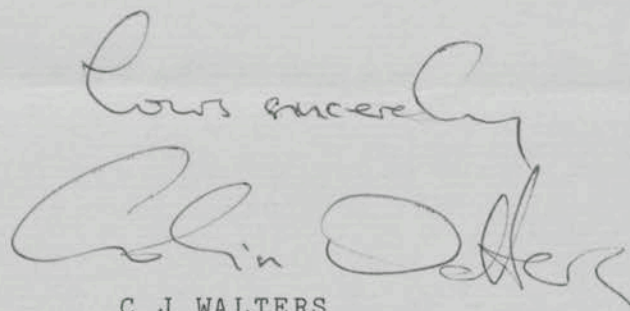
If any questions are asked about the refusal of the Canadian authorities to affix visas to BOC passports, we suggest that the questioner be told that the FCO have already made enquiries in Ottawa, and are taking this further with the Canadian Government. At this stage it would be best not to speculate on the outcome of any discussion. We and the FCO agree that in view of the uncertainty about how the Canadians might react it is preferable to delay a formal approach to them until after the Election.

/More general

A J Coles, Esq

More general questions about British Overseas citizenship will be answered by re-affirming that the passport of a British Overseas citizen like any other British passport entitled our missions abroad to protect the holder and represent his interests. We should try to avoid being drawn into general discussion of the policy of creating this new citizenship.

I am copying this letter to Brian Fall (FCO) and to Janet Lewis-Jones, (Cabinet Office)

Yours sincerely


C J WALTERS



Foreign and Commonwealth Office

London SW1A 2AH

10 December 1982

Prime Minister

To note

A.P.C. 10/12

Dear John,

Falkland Islands: Nationality

You asked about the praise from the Buenos Aires Herald (Buenos Aires telno 515) for the decision to extend full citizenship to all inhabitants of the islands.

I enclose a copy of the Buenos Aires Herald editorial. It is rather confused. It welcomes the proposal not only because it makes HMG's commitment to the Islanders clearer but also, paradoxically, because it will make it easier for Britain to re-open negotiations for a transfer of sovereignty. It seems to suggest that once the Islanders have obtained full British citizenship they will no longer feel so strongly about the Islands. This is a most implausible thesis, particularly given the fact that 1400 of the 1800 Islanders will become British citizens anyway on 1 January 1983.

We have always recognised that the granting of full British citizenship to the Islanders, although welcome to them and their supporters in the UK, would be a two-edged sword. When a similar proposal was due to be put to the House of Lords last year we consulted our Embassy in Buenos Aires on the likely Argentine reaction. The Ambassador's conclusion was that the Argentines were more likely to welcome the move than oppose it, because it would strengthen their argument that the Islanders were not a 'people' to whom the principles of self-determination applied, but British citizens whose strongest links were with the UK. During the conflict, the Argentine propadandists made much of the apparent anomaly whereby HMG were prepared to defend the Islands but not to allow their inhabitants to be full British citizens: the Islanders were often referred to as 'second-class' citizens. That is one taunt which could no longer be made if Baroness Vickers's Bill becomes law, but we may expect a correspondingly more difficult time prosecuting our case at the UN because of the apparent (but unintended) weakening of the link between the people and the territory.

/I am

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I am copying this letter and its enclosures to the Private Secretaires to the Defence Secretary, the Home Secretary and Sir Robert Armstrong.

Yours ever

J E Holmes

(J E Holmes)
Private Secretary

A J Coles Esq
10 Downing Street

CONFIDENTIAL

MY TELNO 515 : BENOS AIRES HERALD EDITORIAL

1. TEXT IS AS FOLLOWS :

"BRITAIN TAKES A FIRM STEP"

THE DECISION BY THE BRITISH GOVERNMENT TO BACK A PLAN TO GRANT FULL CITIZENSHIP TO THE INHABITANTS OF THE MALVINAS ISLANDS IS THE ONLY RATIONAL AND COHERENT MOVE THE LEADERS OF THE UNITED KINGDOM COULD HAVE MADE. IT IS A DECISION WHICH WILL MAKE ANY EVENTUAL NEGOTIATIONS OVER THE DISPUTED ISLANDS EASIER AND ONE WHICH, LONDON MUST REALIZE, WILL MAKE THE BRITISH STANCE ON THE ISLANDS QUESTION CLEARER TO THE OUTSIDE WORLD. UP TO THE PRESENT TIME, THE LITTLE BETTER THAN SECOND-CLASS STATUS GRANTED TO A NUMBER OF THE BRITISH SUBJECTS LIVING ON THE WINDSWEPT SOUTH ATLANTIC ISLANDS HAS BEEN A REAL LIABILITY TO BRITAIN IN ITS DIPLOMATIC MOVES TO ESTABLISH A HARD CLAIM OF ANY KIND OVER THE ISLANDS OR IN TRYING TO JUSTIFY THE NEED TO GO TO WAR WITH ARGENTINA OVER POSSESSION OF THE ISLANDS.

SELF-DETERMINATION WAS A HARD CASE TO SUPPORT, SINCE IT WAS NOT AS IF THE Kelpers WERE SEEKING INDEPENDENCE AND WERE BEING IMPEDED FROM DOING SO BY ARGENTINA. THEY WERE, INSTEAD, STATING THEIR DESIRE TO BE RECOGNIZED FOR WHAT THEY CONSIDERED THEMSELVES: BRITISH CITIZENS. BUT WHILE THE ISLANDERS DESCRIBED THEMSELVES AS BRITISH SUBJECTS AND WHILE PRIME MINISTER MARGARET THATCHER SENT TROOPS AND WARSHIPS TO DEFEND BRITISH CITIZENS AGAINST A FOREIGN POWER, THE WORLD WAS AWARE OF THE FACT THAT A GOODLY NUMBER OF THE ISLANDERS WERE NOT ENTITLED TO BE ANYTHING BUT OCCASIONAL VISITORS TO BRITAIN ITSELF; BECAUSE THEY WERE NOT TECHNICALLY BORN BRITISH, IN THE BROADEST SENSE BUT BORN ON LANDS POSSESSED BY BUT NOT INTEGRATED INTO THE UNITED KINGDOM. THIS SITUATION SMACKS OF A BY-GONE AGE OF COLONIALISM WHICH COULD NOT POSSIBLY BE HELPFUL TO THE BRITISH DIPLOMATS WHO WILL EVENTUALLY HAVE TO ARGUE THE BRITISH CASE BEFORE INTERNATIONAL BODIES.

MORE IMPORTANT STILL, HOWEVER, IS THE GROWING REALIZATION THAT BRITAIN WILL EVENTUALLY WISH TO GIVE UP ITS CLAIM TO THE ISLANDS AND TURN THEM OVER TO ARGANTINA, PERHAPS IN A DECADE OR SO FROM NOW, PERHAPS LATER. UERTAINLY SUCH A HANDOVER WILL PROBABLY BE INEVITABLE. THE ISLANDS CANNOT - A TRAGIC WAR WHICH LEFT BEHIND DEEP SCARS BETWEEN TWO PARTS OF THE WESTERN WORLD AS DEMONSTRATED - BE HELD BY BRITAIN ON THE STRENGTH OF MERE VERBAL OR WRITTEN CLAIM. THE ISLANDS ARE OF LITTLE IF ANY STRATEGIC VALUE TO BRITAIN AND OF DIFFICULT TO ACHIEVE ECONOMIC VALUE WITHOUT THE COOPERATION OF A FRIENDLY NEIGHBOURING MAINLAND POWER. GIVEN THESE CIRCUMSTANCES, IT IS OUTRAGEOUSLY EXPENSIVE FOR BRITAIN TO DEFEND - AT A RATE OF ABOUT THREE MEN PER ISLANDER - THE ISLANDS ON THE BASIS OF THEIR BEING INHABITED BY BRITONS. BY GIVING THE ISLANDERS FULL CITIZENSHIP LONDON WILL SOLVE THE PROBLEM OF WHAT TO DO WITH THE ISLANDERS WHEN THE DAY COMES FOR AN ANGLO-ARGENTINE ACCORD. THOSE WHO DO TOT WISH TO REMAIN ON THE ISLANDS AFTER SUCH AN ACCORD WILL BE PERFECTLY FREE TO MAKE THEIR HOMES ELSEWHERE IN THE UNITED KINGDOM.

THE WHOLE SOUTH ATLANTIC CRISIS, HOWEVER, HAS PLACED BRITAIN IN A VERY UNENVIABLE POSITION, SNCE WHILE A HANDFUL OF KELPERS WILL BE EASILY ABSORSED BY THE UNITED KINGDOM, THE DAYS OF THE ONCE ENORMOUS BRITISH EMPIRE HAVE LEFT BEHIND OTHER MORE DIDFICULT TO DEAL WITH RESPONSIBILITIES. SOME 5000 BRITISH SUBJECTS ON ST HELENA HAVE ALREADY ASKED FOR TREATMENT EQUAL TO THAT TO BE GIVEN THE MALVINAS RESIDENTS AND THE BRITISH GOVERNMENT MUST ALREADY BE AWARE THAT CLAIMS FROM MILLICNS OF HONG KONG CHINESE CANNOT BE FAR BEHIND. IT IS SAD THAT DECISIONS IN THESE AREAS HAVE HAD TO BE PRECIPITATED BY A WAR, BUT THEY WERE HARD FACTS WHICH SOMEDAY WOULD HAVE HAD TO BE FACED ANYWAY. THERE IS NO TIME LIKE THE PRESENT FOR BRITAIN TO DO SO.

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Prime Minister

H & C. 19/11.
MF

PM/82/100

PRIME MINISTER

British Nationality (Falkland Islands) Amendment Bill

1. I have seen the Home Secretary's minute of 17 November about the Bill introduced by Baroness Vickers to give British citizenship to everyone who has a connection with the Falkland Islands.
2. I endorse his analysis and support the line he proposes. There may be considerable difficulties with some of the other dependencies, particularly Hong Kong, but in the parliamentary circumstances I see no other way forward.
3. I am copying this minute to the Home Secretary and to the other members of OD and L as well as to Sir Robert Armstrong and First Parliamentary Counsel.

FP

(FRANCIS PYM)

Foreign and Commonwealth Office
19 November 1982

19 NOV 1992





file

RW

10 DOWNING STREET

From the Private Secretary

18 November, 1982

BRITISH NATIONALITY (FALKLAND ISLANDS)
AMENDMENT BILL

The Prime Minister has seen and noted the Home Secretary's minute of 17 November.

W. F. S. RICKETT

Mrs. L. Pallett,
Home Office

RM

CONFIDENTIAL

WC AJC
2

Prime Minister



ms

The Home Secretary recommends that we should not block Lady Vickers' Bill, provided it is not extended to give citizenship to anyone other than a Falklander. He proposes to put a paper on these lines to L Committee tomorrow.

PRIME MINISTER

BRITISH NATIONALITY (FALKLAND ISLANDS) AMENDMENT BILL

Baroness Vickers has introduced a Bill (similar to those tabled last Session by Mr Kilroy-Silk and Lord Bruce of Donnington) to give British citizenship to everyone who has a connection with the Falkland Islands. Under the British Nationality Act 1981, most Falkland Islanders will in fact be British citizens but there are estimated to be about 400 whose connections with the United Kingdom are not close enough to give them the right of abode. Baroness Vickers' Bill would give them British citizenship. They already have freedom to enter the United Kingdom under an administrative concession which I announced last April.

WM
17/11

There are drawbacks to allowing the Bill to pass. It would create an exception to the principle only recently enacted in the British Nationality Act 1981 that the United Kingdom should have a citizenship (British citizenship) confined to those with close connections with the United Kingdom while the dependent territories should have their own citizenship.

Moreover the Bill may well be seen as a precedent. A House of Lords Question has already been tabled about the Pitcairn Islanders. The inhabitants of St Helena are known to wish to have British citizenship. The Hong Kong government may be less eager to press for further concessions if they are to have their way on nomenclature in passports. There is nevertheless a substantial risk that Hong Kong supporters will try and insert a provision giving legal backing to that administrative concession. This could be damaging because it would be almost impossible to leave British Overseas

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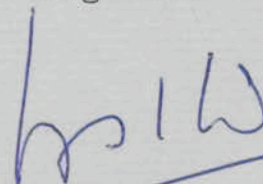
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citizens out of any legislative declaration that particular categories of citizens were British nationals.

Despite these drawbacks, I do not see how the Government can be seen to be actively opposing Baroness Vickers' Bill, which will command widespread support among our supporters. Even lack of co-operation could be damaging to us. I therefore recommend that, while we should make clear the implications which the Bill has for the overall scheme of citizenship set out in the 1981 Act, we should not oppose the Bill. Indeed I think that we should go further and offer drafting assistance if the Bill is given a Second Reading. We should make it clear that we were only doing this on the basis that the Bill remained confined to Falkland Islanders' citizenship and was not widened to bring in anyone else. I do not envisage that we should offer Government time for the Bill when it reaches the Commons, but it could well be passed on the nod if we do not seek to block it.

The Bill is expected to have its Second Reading on Monday, 29 November, and I therefore propose to circulate a memorandum to Legislation Committee on Friday, 18 November recommending the line suggested in paragraph 4.

I am sending copies of this minute to the members of OD and L as well as to Sir Robert Armstrong and First Parliamentary Counsel.



17 November 1982

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10 DOWNING STREET

Dear Madam, Home Secretary

23 October, 1982

Thank you for your letter of 25 October enclosing the evidence which the Home Secretary proposes to submit to the Select Committee on Home Affairs on nationality qualifications for the rights to vote. The Prime Minister agrees that this may be submitted. I am sending a copy of this to John Holmes (Foreign and Commonwealth Office), John Lyon (Northern Ireland Office), Muir Russell (Scottish Office), David Heyhoe (Lord President's Office) and Murdo Maclean (Chief Whip's Office).

TIMOTHY FLESHER

Mrs. Lesley Pallett,
Home Office

dg

010
From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

25 October 1982

Dear Turk,

SELECT COMMITTEE ON HOME AFFAIRS

As you will know, the Select Committee on Home Affairs is currently inquiring into various aspects of electoral law including the rights of non-British citizens to vote in the United Kingdom.

I enclose a copy of evidence which the Home Secretary proposes to submit to the Select Committee on "The Right to Vote: Nationality Qualifications" and on which he would be grateful for the Prime Minister's and other colleagues' agreement by 28 October. The paper has been discussed and agreed with officials in the FCO., NIO., and Scottish Office.

Copies of this letter go to the Private Secretaries to the Secretaries of State for Foreign and Commonwealth Affairs, Northern Ireland and Scotland and the Private Secretaries to the Lord President and Chief Whip.

Yours sincerely,

Lesley Pallett.

MRS L PALLETT

T. Flesher, Esq.,

THE RIGHT TO VOTE : NATIONALITY QUALIFICATIONS

Draft Memorandum

The right to vote is one of a number of civic right and obligations, including membership of the House of Commons, local authorities, the armed forces and the civil service, which are shared by citizens of the United Kingdom and Colonies, citizens of other Commonwealth countries, British subjects under section 2 of the British Nationality Act 1948⁹, British subjects without citizenship and citizens of the Republic of Ireland, all of whom may vote in parliamentary and European Parliament elections provided they are of age, satisfy the appropriate residence qualification and do not suffer from any legal incapacity. The right to vote carries with it the obligation of jury service.

2. The fact that the right to vote is extended to both citizens of the United Kingdom and Colonies and to the citizens of many sovereign and independent countries is a product of Britain's imperial past and a reflection of the changing nature of the Commonwealth. Citizens of the United Kingdom and Colonies can vote at elections in a number of other Commonwealth countries, including Australia, New Zealand and (at some elections) Canada and the Republic of Ireland. A full list of the Commonwealth countries in which all British subjects may vote is given at Annex A.

3. Before 1914 the common law status of British subject was enjoyed, broadly speaking, by anyone born within the dominions, ^{of owing} and allegiance to the Crown. A man had to be a British subject to be able to vote; but in practice the determining factor was the need to satisfy one of a number of property and other qualifications. When the last of these property franchises were abolished in 1918, they were replaced with a simple residence or occupation qualification which survives in more or less the same form to the present day. The residence qualification ensures that although

* see paragraph 6 below.

a person cannot vote in a constituency where he has no connections, it is relatively simple for someone who is qualified through nationality to acquire the vote once he is resident in a particular area.

4. In 1914 the British Nationality and Status of Aliens Act gave statutory effect to the common law rule. The Act did not attempt to codify the rights and privileges of British subjects; but it did list the disabilities of aliens, who were barred from public office, from voting at parliamentary and municipal elections and from holding real property in the Colonies. They were subsequently required to register with the police. Aliens were already disqualified from membership of the House of Commons by the Act of Settlement. The 1914 Act was intended to provide the basis for a common nationality status throughout the Empire and the Dominions; and although the Dominions might go on to create their own local citizenships, they were not expected to confer citizenship on anyone who was not already a British subject.

5. These provisions continued in force until 1948. By then, it had become clear that the 1914 Act no longer provided a satisfactory framework for the development of a Commonwealth citizenship. The British Nationality Act 1948, which was drafted after consultations between the members of the Commonwealth, was intended to replace the common nationality of the 1914 Act with a new system of reciprocal citizenship. It introduced a citizenship of the United Kingdom and Colonies, and the holders of this citizenship and of other citizenships created by the independent countries of the Commonwealth in their own legislation were all to continue to be called "British subject". Each member of the Commonwealth would confer on citizens of the other Commonwealth countries the rights and privileges available to its own citizens. In this way citizens of the United Kingdom and Colonies came to share the right to vote in UK elections and other civic rights with citizens not only of countries like Australia and New Zealand where The Queen is the Head of State but also of other Commonwealth countries such as India and the African republics which acknowledge the Crown only as Head of the Commonwealth.

6. Irish citizens have the right to vote by virtue of the Ireland Act 1949. When the south of Ireland was constituted as a Free State within the Commonwealth in 1922, people from both the north and south of Ireland continued to enjoy the status of British subject. But the policy of external association which the Irish government adopted in 1936 made its precise relationship with the Commonwealth uncertain, and Irish citizens were regarded as British subjects throughout the Commonwealth but not in the south of Ireland itself. The British Nationality Act 1948 resolved this problem by providing that although Irish citizens were no longer to be regarded as British subjects they would for all purposes be treated as such, and section 2 of that Act gave Irish citizens born before 1948 the right to retain British nationality if at any time they gave notice in writing to the Home Secretary claiming to be a British subject on certain grounds. When the former Free State severed its last formal ties with the Crown and declared itself a Republic at Easter 1949, it was decided that this change of status should not affect the Republic's relationship with the Commonwealth or the position of Irish citizens within it, including their privileged status under the British Nationality Act; and Parliament accordingly passed the Ireland Act, which declares that the Republic of Ireland is not a foreign country and that citizens of the Republic are not aliens. Similar provisions were made in other Commonwealth countries (a full list is at Annex B), and the arrangements were reciprocated by the Irish government, which made an Order in 1949 providing that citizens of the United Kingdom and Colonies should enjoy in Ireland similar rights and privileges, subject to law, to those enjoyed by Irish citizens in the United Kingdom (but see paragraph 7 below).

7. The provisions of the Representation of the People Act 1949, which expressly confer the right to vote on both British subjects and citizens of the Republic of Ireland, consolidated the existing provisions of electoral law as applied by the British Nationality Act. The Irish government has power under its Nationality and Citizenship Act 1956 to offer citizens of a country similar citizenship rights in the Republic to those enjoyed by Irish citizens in the country in question, but an

attempt to use this power to give British citizens the vote might be considered unconstitutional and be challenged before the Supreme Court. At their meeting in December 1980, the Taoiseach told the Prime Minister that following examination of the constitutional, legal and other aspects of the matter he was prepared to present proposals to effect an extension of the Irish franchise to permit UK citizens to vote at elections to the Dail. The Irish Minister of Foreign Affairs told the Dail in a written answer on 15 July 1982 that draft legislation was being examined as a matter of urgency, and that the intention was to proceed as quickly as possible. At present citizens of the UK and Colonies resident in the Republic may vote in local and European elections but not elections to the Dail, Presidential elections or referendums to amend the constitution. Those born in the UK are exempt from the requirements of Orders controlling Aliens made under the Irish Aliens Act 1935.

8. During the passage of the Ireland Act the then Prime Minister, Mr Attlee, told the House of Commons that its provisions reflected "our propinquity to Eire, the longstanding relations between our peoples and the practical difficulties that flow from any attempt to treat Eire as altogether a foreign country". During the Second World War many Irish citizens settled in this country and many came across from what is now the Republic of Ireland to volunteer. When conscription was in force those settled here were conscripted; and many Irish, both those settled in the UK and from the Republic, still volunteer to serve in the armed forces. Furthermore, many Irish people, women in particular, came to the United Kingdom to work in the immediate post-war years. The 1951 census recorded that there were some 530,000 people born in what is now the Republic of Ireland resident in Great Britain at that time. The figures have remained fairly constant over the succeeding 30 years, and the 1981 Labour Force Survey estimated that there were then about 576,000 people born in the south of Ireland resident here, including about 450,000 of voting age. Many of them, however, possess citizenship of the United Kingdom and Colonies as well as Irish citizenship, and others will have a right to acquire it

through registration on the basis of continuous ordinary residence here since 1973, or, in the case of a woman, marriage to a citizen of the United Kingdom and Colonies. Over 150,000 Irish citizens have so far made claims under section 2 of the 1948 Act; and over 15,000 have been registered as citizens of the United Kingdom and Colonies.

9. The number of citizens from other parts of the Commonwealth resident here in 1951 was 375,000. There are now (1981 Labour Force survey) 1,600,000 from Commonwealth countries and Pakistan. While 109,000 of these are from the old Commonwealth, the majority come from the former dependent territories that have achieved independence since 1951. Many of these 1,600,000 may already be citizens of the UK and Colonies; others have the right to become such through marriage or registration. About 334,000 Commonwealth citizens and 112,000 citizens of Pakistan have so far been registered as citizens of the UK and Colonies. Certain Commonwealth countries, notably India, do not recognize dual nationality, and an Indian who has acquired citizenship of the UK and Colonies will have lost his Indian citizenship.

10. A further dimension to the status of Irish citizens resident here, and that of citizens of the United Kingdom and Colonies in the Republic, is added by common membership of the European Community. Membership of the Community provides the basis on which employment and social rights are guaranteed to Community nationals in both the United Kingdom and the Republic, and the Community has succeeded the Commonwealth as the framework for privileged trading arrangements between the two countries. Citizens of the United Kingdom and Colonies can vote with other Community nationals at European Parliament elections in the Republic and with all other residents irrespective of nationality at local elections. In the Community itself,

a working group on special rights is examining the possibility of giving all Community nationals the vote at local elections in their country of residence; and the Council of Ministers is examining proposals for a uniform electoral procedure for European Parliament elections which may involve Member States in greater reciprocity of voting rights. It seems inevitable that the nationality qualifications for elections in the Community will come to be relaxed rather than tightened up.

11. In January 1983, when the British Nationality Act 1981 comes into force, the system inaugurated by the 1948 Act will be replaced by a new one based on a new British citizenship. Under the new Act, the term "British subject" will no longer cover all Commonwealth citizens but will cover only three residual categories.

(including the Irish citizens who claim British subject status under section 2 of the 1948 Act and its 1981 Act equivalent). The Act will not, ~~therefore~~, affect the possession of civic rights and privileges such as the right to vote, and all those Commonwealth citizens who enjoy these rights and privileges by virtue of their present status as British subjects will continue to do so when the Act comes into force. Citizens of the Irish Republic will continue to enjoy these rights by virtue of their status under the Ireland Act. During the passage of the Nationality Act the Government repeatedly gave assurances that although the Act provided a framework through which rights and privileges might be accorded in the future, the Act itself would not be used to effect changes in existing civic rights; and it remains the Government's view that the existence of a separate British citizenship is not in itself sufficient justification for the redefinition of existing civic rights.

Home Office

LONDON SW1

September 1982

The right to vote is given to all British subjects in the following Commonwealth countries:

Antigua and Barbuda

Australia

Barbados

Canada

Dominica

Grenada

Guyana

Jamaica

Mauritius

New Zealand

St Lucia

St Vincent

Sierra Leone

Trinidad and Tobago

The following Commonwealth countries do not treat Irish citizens as aliens for some or all purposes:

Australia
Barbados
Belize
Canada*
Dominica
Gambia
Grenada
Guyana
Jamaica
Malaysia
Malta
New Zealand *
Nigeria
St Lucia
St Vincent
Sierra Leone
Singapore
Solomon Islands
Swaziland
Tanzania
Trinidad and Tobago

* in these countries the relevant legislation includes the right to vote.

(It may also be possible for Irish citizens to vote in some other Commonwealth countries.)



*Immigration
Nationality
Bill*
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8/8

FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE
AND THE CHIEF WHIP

6 August 1982

Dear David,

FALKLAND ISLANDS (BRITISH CITIZENSHIP) (NO 2) BILL

I wrote to you about this Bill on 2 August.

I omitted to enclose with the letter an extract from the Lords Hansard for 29 July. I now enclose the said extract. Many apologies.

Copies of this go to the recipients as before.

*Yours ever
Michael*

M G POWNALL

D C R Heyhoe Esq



Wm
9/8
Immigration

FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE
AND THE CHIEF WHIP

2 August 1982

Dear David,

The Lord Privy Seal has seen the letter that Lesley Pallett sent to you on 23 July about Lord Bruce of Donington's Falkland Islands (British Citizenship) (No 2) Bill. She has also seen Willie Rickett's letter to you of 26 July on the same subject.

The Chief Whip (Lords) will do all he can to avoid having a Second Reading debate until the week beginning Monday 18 October at the earliest. Indeed if, but only if, Lord Bruce makes clear in advance his intention to pursue his Bill both this session and next, the Chief Whip will urge him to drop this session's Bill in favour of a Bill in November.

The Lord Privy Seal recognises that the Government face a very difficult situation on Lord Bruce's Bill. She has asked me to circulate with this letter copies of the exchange which took place on the floor of the House last week on an oral question by Lord Boyd-Carpenter. Bearing in mind the tied vote during the Report Stage of the British Nationality Bill last October, and the strength of feeling which now clearly exists, it is clear that, no matter how carefully the Second Reading of the Bill is handled, the Government are likely to suffer embarrassment or, if put to a vote, defeat.

In the circumstances, the Lord Privy Seal broadly agrees the line suggested by the Home Secretary. It seems very likely that Lord Bruce will not agree to withdraw his Bill on Second Reading. If the matter is pressed to a division, Lord Bruce will win regardless of whether Ministers abstain or vote against the Bill. The Lord Privy Seal suggests that if Lord Bruce does not withdraw, steps should be taken to ensure that there is no division and that the Bill receives a Second Reading on question (ie without a division but without unanimous assent). Lord Bruce may well pursue his Bill next session and seek to take it through all its stages in the Lords. If he did this at a relatively early stage in the new session, the Bill would arrive in the Commons well before the last Private Member's Bill days in that House. The Lord Privy Seal recognises that this could cause very considerable handling difficulties in the House of Commons.

D C R Heyhoe Esq



FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE
AND THE CHIEF WHIP

The Lord Privy Seal will inform colleagues if there are any further developments in the Lords during the recess.

Copies of this letter go to the recipients of Lesley Pallett's letter to you of 23 July.

*Yours ever
Michael Pownall*

M G POWNALL



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Ch
2/7

30 July 1982

has been

FALKLAND ISLANDS (BRITISH CITIZENSHIP) (NO 2) BILL
LORD BRUCE OF DONNINGTON

Thank you for your letter of 23 July about the Falkland Islands (British Citizenship) (No 2) Bill introduced by Lord Bruce of Donnington. The Lord President has also seen the letter of 26 July to me from the Prime Minister's Private Secretary.

The Lord President is content with the line proposed in your letter for handling Lord Bruce's Bill in this Session. He agrees that no drafting assistance should be offered at this stage, but First Parliamentary Counsel, whose resources are heavily committed to the preparation of next Session's Bills, would appreciate the earliest possible warning of any change in this approach in relation either to the present Bill or any successor next Session. If Lord Bruce were to re-introduce his Bill in the next Session the Home Secretary would no doubt arrange for it to be considered in Legislation Committee in the usual way.

I am copying this letter to the recipients of yours.

Your copy
done

D C R HEYHOE
Private Secretary

Mrs L Pallett
Private Secretary to the Secretary of
State for Home Affairs
Queen Anne's Gate
London SW1H 9AT

30 JUL 1982





18
Immigration

10 DOWNING STREET

From the Private Secretary

26 July 1982

Dear David

The Prime Minister has seen the letter that Lesley Pallett sent to you on 23 July about the Bill introduced by Lord Bruce of Donnington. Subject to any comments the Lord President and the Leader of the Lords may have, the Prime Minister is content that Ministers should take the line suggested by the Home Secretary on Lord Bruce's Bill, and in particular that they should abstain if a vote is forced on Second Reading.

I am sending a copy of this letter to Lesley Pallett (Home Office), Michael Pownall (Chief Whip's Office, Lords), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

Yours ever
Willie Rickett

David Heyhoe, Esq.,
Lord President's Office.

DR



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

23 July 1982

Prime Minister 2/1

Yes

Content that ministers should
abstain if a vote is forced on the second
reading of Lord Bruce's Bill? W

Dear David,

As you know, on 13 July Lord Bruce of Donington introduced a Bill which seeks to confer British citizenship on the Falkland Islanders. The Bill is identical to the one introduced in the Commons by Mr Robert Kilroy-Silk, which it was agreed in correspondence should be blocked, and is open to the same objections. On 24 June the Lord President declined to make time available in the Commons for the Kilroy-Silk Bill. 23/7

We understand that Lord Bruce has accepted that there will be no time for a second reading before the second week of the Lords spill over. His intention is presumably to use a second reading debate in October to embarrass the Government.

It would seem inadvisable, subject to any comments the Lord President or the Leader of the Lords may have, to take opposition to the Bill to the point of a division on second reading in the Lords. An amendment to last session's British Nationality Bill to confer British citizenship on the Falkland Islanders was disagreed to only after a tied vote at Lords Report Stage and it is quite possible that Lord Bruce would win a division on second reading of his Bill.

On the other hand, to give Government support for the Bill would have much wider implications, eg. for the status of Citizens of the United Kingdom and Colonies in Hong Kong as well as for the future position of the Falkland Islanders themselves. In the circumstances it would seem best for the Government spokesman to explain the Government's reservations during second reading and suggest that the Bill should be withdrawn. In the event of a division, the Home Secretary thinks that Ministers present should abstain. Lord Bruce is unlikely to attempt to take the Bill further at that stage in the session. If he does it would not seem unreasonable to decline to give assistance to remedy the Bill's drafting deficiencies.

I am copying this letter to Private Secretaries to the Prime Minister and other Members of OD as well as Members of L, and to David Wright (Cabinet Office) and First Parliamentary Counsel.

Yours sincerely,

Lesley Pallett.

MRS L PALLETT

D C R Heyhoe, Esq.

Immigration

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18/6



RESTRICTED

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

16 June 1982

De Rouss

BRITISH NATIONALITY ACT 1981: DESIGNATION OF
SERVICE UNDER SECTION 2(3)

Thank you for your letter of 9 June about the designation of service with NATO.

The Home Secretary agrees that NATO can properly be distinguished from other major international organisations. For the reasons given in your letter he agrees that we could normally regard British employees of NATO as having been recruited in the United Kingdom. He is, therefore, content to include service with NATO in the designation order.

I am sending copies of this letter to the recipients of yours.

Love ever
C. J. Walters

C. J. WALTERS

F. N. Richards, Esq.

RESTRICTED

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1 2 3
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Foreign and Commonwealth Office

London SW1A 2AH

9 June 1982

Dear Colin,

British Nationality Act 1981: Designation of Service Under
Section 2(3)

Mr Pym has seen your letter of 26 May and approves the list of types of service which Mr Whitelaw has provisionally decided to designate under section 2(3) of the Act.

It might help you to have an outline of our views on the inclusion of service with NATO.

You may recall that originally we preferred that no employment with international organisations should qualify for designation. To have included the British employees of all, or even of many, international organisations would have brought down on us the difficulties you mention, and we thought that if service with any international organisation were designated it would have become difficult to find good reasons for excluding the rest.

But the nature of section 2 of the Act was altered by the introduction of the amendment which as sub-section (1)(c) now makes very special provision for British employees of European Community institutions. This concession has naturally created a demand for equivalent treatment for British members of the international staffs of NATO.

This has our support. NATO and the EC are neighbours in Brussels. It cannot be argued that NATO, concerned as it is with our vital security interests, is less central to our major policies and interests than the EC. The Secretary General of NATO does not wish members of his staffs to be seen to have less favoured treatment in this important respect than their equivalents down the road at the Berlaymont. Nor can the British members of the NATO staffs see that their function is sufficiently different from that of EC employees to warrant a different status in terms of nationality.

/The discrepancy



The discrepancy gives rise to two questions. First: is NATO sufficiently different from other major international organisations for us reasonably to designate service there while continuing to exclude the others? The answer here is yes, because the North Atlantic Alliance does not derogate from the sovereignty of its members. NATO's collective legal capacity is limited to what is necessary to conclude contracts, deal with property and begin legal proceedings. It does not act as independently as, for example, the European Commission, where staffs can find themselves having to work against the immediate interests of their governments. Nor does NATO make provision for the independence of its employees on the lines of Article 100 of the United Nations Charter. British members of the NATO staffs therefore remain "closely associated with the activities . . . of Her Majesty's Government in the United Kingdom" as required by the Act.

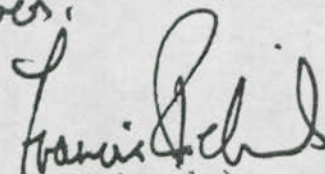
The second question is whether British members of the NATO international staffs can be considered as sufficiently recruited in the United Kingdom to qualify under section 2(1) (b) of the Act. If this point cannot be resolved designation of service with NATO could prove nugatory, a situation we would all wish to avoid.

The answer, as we see it, is that recruitment to NATO is a diffuse process. In the case of British staff it can include advertisement in the British press or a trawl through Whitehall departments, and the offer of a post to the successful candidate conditional on national security clearance which necessitates vetting - required in every case - by our security people. This process, which spans London and Brussels, may equally be described as recruitment in Brussels from the United Kingdom or as recruitment in the United Kingdom from Brussels.

We prefer this last interpretation, and subject to the Home Secretary's views, Mr Pym considers that any questions in Parliament over the designation of service with NATO could be dealt with on the lines I have indicated.

I am sending copies of this letter to the recipients of yours.

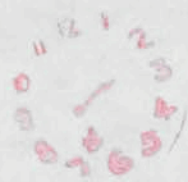
Yours Oves,


(F N Richards)
Private Secretary

C J Walters Esq
Home Office
Queen Anne's Gate
LONDON S1

RESTRICTED

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Home Office
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Immigration



26 May 1982

De Raay

BRITISH NATIONALITY ACT 1981:
DESIGNATION OF SERVICE UNDER SECTION 2(3)

Our two Departments have been considering at official level which descriptions of service should be designated under section 2(3) of the British Nationality Act 1981. The effect of designation of a particular form of service is that a child born abroad after the commencement of the 1981 Act to a British citizen in that service will be a British citizen otherwise than by descent, and will therefore pass on citizenship to his or her own children born abroad. In addition, a British citizen born abroad before commencement will be a citizen otherwise than by descent if at the time of the birth the father was in designated service. In both cases, recruitment to the designated service must have taken place in the United Kingdom. People serving in a designated service will be on a par with Crown servants serving abroad.

The purpose of this letter is to let you, and other recipients, know that the Home Secretary has now decided in principle to designate the following descriptions of service:

- (a) Employment with the British Council;
- (b) Crown servants seconded to international organisations in the course of their careers;
- (c) Her Majesty's Overseas Civil Service;
- (d) Her Majesty's Overseas Judiciary;
- (e) Governors of dependencies;
- (f) Service with NATO;
- (g) Civilian employment overseas where the employee is subject to the Forces Discipline Acts; and
- (h) Employment with the Commonwealth War Graves Commission.

The decision to designate service with NATO depends upon our resolving certain problems that have arisen about the place of recruitment of NATO staff.

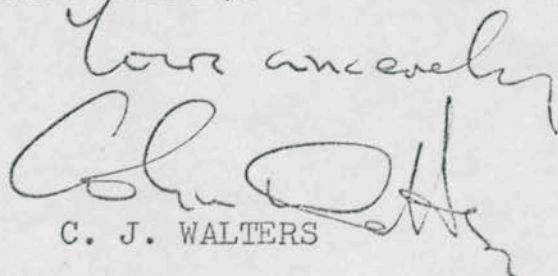
An order made under section 2(3) is subject to annulment in pursuance of a negative resolution of either House. There was considerable feeling in Parliament over the "privileges" accorded to Crown servants by the Nationality Act and any extension of them is liable to be the subject of debate.

The wording of the statute requires the descriptions of service designated to be closely associated with the overseas activities of the United Kingdom Government. It has not been possible to accept that some of the candidates put forward by Departments at official level met the requirement of close association with the overseas activities of the United Kingdom Government. Even where Departmental candidates have come within the statute, it has been necessary to take account of two further considerations: firstly, that the provision would become extremely complex to administer if the list of designated services were long; and secondly, that it would be difficult to draw any kind of reasonable line if too many organisations with competing claims should seek to be included. The Home Secretary has carefully considered whether any descriptions of service in addition to those listed in the second paragraph of this letter should be included in the order, but in view of the considerations mentioned above, he has come to the conclusion that they should not.

This does not, of course, mean that the British staff of organisations which are not designated under section 2(3) of the British Nationality Act 1981 will be unable to pass citizenship on to their children born abroad. In practice it seems very unlikely indeed that such children will be unable to acquire nationality. A father or mother who is a British citizen otherwise than by descent (for example, a British citizen born in the United Kingdom) will pass on citizenship automatically to his or her children born abroad and they in turn will be able to pass on citizenship to their children if born in the United Kingdom.

It is not really likely that, in the sort of situation we are envisaging, neither parent will be a citizen otherwise than by descent but if such a case were to arise the children might well be able to be registered as British citizens later. Apart from the Home Secretary's discretionary powers, a child born to a citizen by descent is entitled to registration if the parent in question was born to a British citizen otherwise than by descent, and has at any time before the child's birth spent three years in the United Kingdom (this requirement is waived if the child is stateless). There is also an entitlement to registration where the whole family returns to the United Kingdom and lives here for three years.

I am sending copies of this letter to Mike Pattison (No. 10), to the Private Secretaries to the Lord Chancellor, the Lord Privy Seal and to the Secretaries of State for Defence, Trade and Social Services, and to David Wright (Cabinet Office).

Yours sincerely

 C. J. WALTERS



MA

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

3 December 1981

By William

BRITISH NATIONALITY ACT 1981: DATE OF COMMENCEMENT

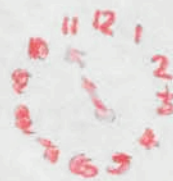
Thank you for copying to me your letter of 19 November to Peter Carrington, whose reply of 25 November I have seen, about the date of the commencement of this Act.

I am content with your proposals. As you say, this is a complex and important piece of legislation and I can well understand your wish to get the preparatory work right. I make only two comments. The first is that the cost of the preparatory and indeed longer term work will have to be contained within the control totals agreed recently by Cabinet. I also assume that the increased level of receipts from charges to recover the full costs of documents for naturalisation and registration will become effective from 1 April 1982, and be quite separate from the date of commencement for the main legislation.

I am copying this letter to those who received copies of yours.

Leon Brittan
LEON BRITTAN

- 4 DEC 1981





FCS/81/132


SECRETARY OF STATE FOR THE HOME DEPARTMENT

Immigration

NBPM
WFSR
MA
MAD
25/11

British Nationality Act 1981

1. I agree that the new Nationality Act should take effect on 1 January 1983 as you propose in your letter of 19 November. The timing suits us well. As I understand the plan, the intention is that the bulk of the work you outline will have been completed by the summer of 1982. That should give us the time we need during the second half of next year to complete our discussions with the dependent territories, and to ensure that they and our consular officers at posts abroad are completely familiar with the new procedures before commencement.
2. In addition, a 1 January commencement will be a help to those who have to administer the new nationality law in years to come, as the Act will apply to children born at any time from the beginning of 1983. This was the pattern of the British Nationality and Status of Aliens Act 1914 which took effect on 1 January 1915, and the British Nationality Act 1948 which came into force on 1 January 1949. It is preferable to a commencement at some intermediate date during 1982 which would have caused the nationality of children born during that year to be determined by different legislation depending on whether they were born before or after the Act came into effect.
3. I also agree that the date of commencement should be made public by an early arranged Parliamentary Question as you suggest.
4. I am copying this minute to the recipients of yours.


(CARRINGTON)

Foreign and Commonwealth Office
25 November 1981

Immigration



QUEEN ANNE'S GATE LONDON SW1H 9AT

Prime Minister

mb

MAR 20/81

19 November 1981

Dear Peter

BRITISH NATIONALITY ACT 1981 - DATE OF COMMENCEMENT

As you may know, my officials have been in touch with yours and those of other interested Departments to identify what needs to be done before I can make an order bringing the British Nationality Act 1981 into effect.

The main burden will fall on our Departments, who will be concerned with preparing the Regulations which will prescribe the fees and the manner in which applications for citizenship and the oath of allegiance are to be made. Passports will be affected and new application forms, guidance notes to the public and instructions to staff both at home and abroad, also have to be prepared on all these matters. Parallel Regulations, forms, and instructions will be needed for the new British Dependent Territories' citizenship and this will entail consultation with the dependencies. The Regulations are subject to a negative resolution procedure and we need to be sure that they will not be annulled before I can bring this Act into force.

There is also the matter of training our staff, both at home and overseas. This cannot be carried out effectively until the paperwork is done. I understand that the Passport Office would find it very difficult to train their staff during the peak Summer period or in the run up to it.

This is a complex piece of legislation whose implementation will need very careful handling. It affects most of the people living here and many living abroad. It is therefore essential to get the preparatory work right. I am convinced that the earliest realistic date by which I can have everything ready is 1st January 1983.

There is much to be said for announcing this date as early as possible both to pre-empt enquiries and to avoid accusations of creating tension in the ethnic minorities by keeping everyone unnecessarily in suspense. I therefore propose, subject to any comments I receive by the end of this month, to announce the date by way of an arranged Question early in December.

I am sending copies of this letter to the Prime Minister, Members of H Committee, the Secretary of State for Defence, the Secretary of State for Industry, the Secretary of State for Trade, the Secretary of State for Energy, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

*Yours ever
William*

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PART 1 ends:-

29.10.87

PART 2 begins:-

19.11.87

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