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Prime Minister -

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Yes

Mr Whitelaw's arguments have incontrovertible and I imagine that you will go along with the line he proposes overall. Agree?

You might wish to add that since OD will be meeting on 29 Jan to discuss the Falkland Islands & further complications in relations with the islands in advance would be unhelpful, it would be desirable for Mr Whitelaw to refrain, if possible, from revealing his hand until the 2nd Reading in February.

PRIME MINISTER

THE FALKLAND ISLANDS UNDER THE NATIONALITY BILL
Will have a word with him

At the meeting of OD Committee on 3rd December, I was invited, in consultation with Peter Carrington, to give further consideration to the treatment under the Nationality Bill of those Falkland Islanders who are non-patrial (OD(80)25th meeting, Item 2). The introduction of the Bill on 14th January is likely to lead to renewed pressure on behalf of the Islanders for full British Citizenship to be given to all the territory's inhabitants. This minute sets out my conclusions, after consultation with the Foreign and Commonwealth Office, on the treatment of the Islanders under the Bill and proposals for responding to the pressure that is likely to arise.

I attach a memorandum which describes the present position of the Falkland Islands under United Kingdom immigration and nationality law. For the reasons set out in paragraph 10 of the memorandum, I am of the firm opinion that no special provision can be made in the Nationality Bill to accommodate the Islanders.

Almost all the Islanders are citizens of the United Kingdom and Colonies and it is estimated that about 65% of them are exempt from immigration control under the patriality provisions of the Immigration Act 1971. Islanders who are patrial will become British Citizens under the new nationality provisions (and retain their exemption from immigration control) as well as Citizens of the British Dependent Territories.

The Islanders are concerned about the difficulties that would face the 600 to 700 inhabitants who do not possess the right of abode in the United Kingdom (and for future generations who will be similarly placed)

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in the event of a future emergency arising from a dispute with Argentina. Nicholas Ridley sent a message (paragraph 6 of the memorandum) to the Governor in December 1979 reaffirming the Government's pledge to do everything possible to assist in the event of an emergency. In order to meet the current concern I propose that a further statement to that effect should be made on Second Reading of the Nationality Bill in February, or in response to Parliamentary Questions on the subject following the publication of the Bill. The statement would be in the following terms:

"In December 1979, following the publication of the White Paper on the revision of the Immigration Rules, the Minister of State at the Foreign and Commonwealth Office sent a message to the people of the Falkland Islands assuring them that in the event of an emergency the problems of any Islander who did not possess the right of abode in the United Kingdom and who was in trouble at that time would be most carefully and sympathetically considered. In the light of concern recently expressed on behalf of those Islanders, I wish to reaffirm that pledge and assure the Islanders that, in such circumstances, they can depend upon the most sympathetic consideration of their position."

If pressed to be more specific, I would be prepared to indicate that the admission of such Islanders to this country would be given favourable consideration under our immigration legislation.

Copies of this minute, and the attachment, go to the other members of OD. Since we may need to respond publicly on this question very soon, I shall assume that members of the Committee are content with these proposals unless I hear to the contrary by close of play on Thursday 15th January.

Wor LS

12 January, 1981

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THE FALKLAND ISLANDERS UNDER U. K. IMMIGRATION
AND NATIONALITY LAWS

1. The Falkland Islands have been a colony since the 1830s. They were settled by people from the United Kingdom; there was no indigenous population.

Immigration status

2. Of the population of about 1900 it is estimated that about 1,200 - 1,300 are patrial under the Immigration Act by reason of birth in, or descent from a parent or grandparent born in, the United Kingdom. Of the remainder some would be admissible as dependent relatives e.g. children below the age of 18.

Citizenship

3. With hardly any exceptions all the people on the islands are citizens of the United Kingdom and Colonies, either by descent or through birth there or, in the case of those more recently settled, by birth in the United Kingdom.

4. Under the proposals contained in the White Paper those of the islanders who are patrial would become British citizens as well as Citizens of the British Dependent Territories. The remainder would become citizens of the British Dependent Territories only.

Attitude of the Islanders

5. The attitude of the islanders to possible changes in the colony's status is referred to in the minutes of OD (80) 25th Meeting. Through the Falkland Islands Office in London they are pressing for British Citizenship to be granted to all of them. In a letter sent to all MP's by Air Commodore Frow, the case is made on four grounds:

- a) that there was no indigenous population of the islands;
- b) that the islanders have no mother country but the United Kingdom;
- c) that there is no question of the islands seeking independence; and
- d) that the original Chelsea Pensioner settlers 'were promised the right to retain full British citizenship'.

Correspondence with the Foreign and Commonwealth Office so far

6. Because of uneasiness in the Islands when it became known in the autumn of 1979 that there was a prospect of negotiations with Argentina, and when the United Kingdom immigration rules were being revised, a telegram was sent to the Governor to be passed on to local councillors containing the following passage:

'I, (Mr Ridley) realise that those islanders without patriality or a United Kingdom born grandparent may fear the prospect of finding themselves faced with a genuine difficulty. You will appreciate that I could not give you a firm undertaking in respect of such islanders. But I can reaffirm the pledge of HM Government to do everything possible to assist in the event of an emergency, and to consider most carefully and sympathetically the problems of any islander in trouble at such a time'.

7. On the nationality side, when the question of a transfer of sovereignty was raised last year a note was prepared for the Secretary of State drawing attention to the citizenship issues. [REDACTED]

8. On the point referred to in 5(d) above, the Foreign and Commonwealth Office can find only scanty references to the Chelsea Pensioners. Thirty went out in 1849 but by 1857 only 5 remained in the Falkland Islands. All were British subjects at the time, as were all people born in the United Kingdom and Empire.

Response to suggestions made at OD (80)23rd Meeting

9. On immigration, the Committee is probably right in thinking that to grant an automatic right of access to the United Kingdom would have unwelcome repercussions elsewhere. The islanders already have the assurance referred to in paragraph 6, and the United Kingdom could hardly go further without granting British citizenship and the right of abode.

10. To give the non-patrial Islanders British citizenship would however upset the whole basis of the Citizenship of the British Dependent Territories (which the Foreign and Commonwealth Office pressed the Home Office to accept). It would inevitably strengthen the demands for similar treatment already made by Gibraltar and the Cayman Islands, and would encourage other colonies to seek special treatment.

11. Moreover (though this is more a matter for the Foreign and Commonwealth Office than the Home Office) it seems possible that to make a special gesture now of giving British citizenship to the Islanders might adversely affect negotiations with Argentina by giving the impression:

a) that the United Kingdom, by making it easier for the islanders to leave if they wish, is trying to strengthen their position in the negotiations; and/or

b) that the United Kingdom is deliberately strengthening its hold on the islands and perhaps discouraging Argentina from proposing that the islanders should also hold Argentinian citizenship.