CONFIDENTIAL

LEADER'S CONSULTATIVE COMMITTEE

There will be a meeting of the Shadow Cabinet in the Leader's Room at the House of Commons on Monday, 27th February, at 6.00 p.m. to discuss a paper on immigration which should be collected from the Leader's office on Monday morning.

Future meetings:
Wednesday, 1st March at 5.00 p.m.

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CFP/MHM
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LCC(78)172

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CONTROL OF IMMIGRATION

(A supplementary paper by Mr. Whitelaw)

There were certain matters arising from my earlier paper (LCC(78)171) which I know my colleagues are anxious to discuss further.

1. A 'Moratorium'

A moratorium on immigration while the register of dependants is being prepared has been suggested, and we agreed to reconsider it

I accept that such a step would have a considerable psychological impact but unfortunately the impact would wotk both ways. The word itself has an emotive content. It is therefore very attractive to some sections of opinion but equally an anathema to others, including a substantial number in our own Parliamentary Party. Its use would certainly cause trouble in the Party and would make the overall package much harder to sell, for instance to our own Anglo Asian Conservative Association members whose loyalty, in difficult days for them, has been striking. There will however inevitably, because of the work involved in compiling the Registers, be an administrative pause in the granting of entry clearance certificates. This will particularly affect those whose names are to appear on the register. I would like in presentation to lay stress on this and to point to its value in giving a breathing space in the flow of immigrants to the main reception areas in the United Kingdom. For these reasons I hope that my colleagues will allow me to proceed on these lines.

2. Parents, grandparents and children over 18

We have agreed (para. 6(iv) of my earlier paper) to exclude, other than in exceptional cases, further entry into the United Kingdom by parents, grandparents, unmarried dependent children between 18 and 21, and distressed relatives. This would be done by emendation of the rules. I observed in my earlier paper that those who were already settled in the United Kingdom had an expectation under our rules that they might be able to introduce dependants in these categoriec. Such dependants cannot be registered.

I do not, however, believe that their position is comparable to that of wives and children as their expectation of entry does not derive purely from their relationship but is already qualified by other factors - that they are widowed, that they are over 65 or, in the case of children, that they are unmarried and fully dependent. It is my belief that we could reasonably extend to all people in these categories, who may in future fulfil the qualifications in the immigration rules (eg. by passing the age of 65), the conditions of entry of other distressed relatives now contained in para. 46 of the Immigration Rules. Thus to qualify for consideration for entry parents, grandparents and children over 18 "must be isolated (that is, living alone with no relatives in his own country to turn to) and distressed (that is, having a standard of living substantially below that of his own country)." Any compassionate cases then admitted would clearly be counted against the quotas applied to their country of origin.

3. Permit-free employment

Paragraph 29 of the Immigration Rules allows the admission without a work permit for a period of not more than twelve months of certain categories of worker. These include ministers of religion, doctors and dentists, pressmen, operational staff of airlines, seamen under contract, teachers on exchange courses, and businessmen whose firms have no branch or representative in the United Kingdom. I see no reason why the privilege should be maintained except in the case of persons coming for employment by an overseas Government or an international organisation of which the United Kingdom is a member, and the private servants of members of diplomatic missions who are privileged under the Diplomatic Privileges Act 1964. I therefore suggest that persons in the categories listed be required to secure work permits before entry. I would however recommend that we do not amend Section 8 of the 1971 Act allowing uncontrolled stays of less than 7 days by the crews of ships and aircraft.

4. Visas

It has been suggested that visas be required from all entrants to the United Kingdom as part of our drive against illegal immigration At present visas are only required by nationals of the following countries: Albania, Bulgaria, Czechoslavakia, East Germany, Hungary, Poland, Rumania, the Soviet Union and Cuba, together with non-Commonwealth countries in Asia (apart from Bahrain, United Arab Emirates, Iran, Israel, Japan, Kuwait, Maldive Islands, South Korea, Qatar and Turkey) and non-Commonwealth countries in Africa (apart from Algeria, Ivory Coast, Morocco, Niger, Tunisia and South Africa). They are also required for nationals of Pakistan seeking admission to the United Kingdom as the wife, child or other dependant of a person settled in the United Kingdom or as a husband or fiance of such a person. For citizens of Pakistan who seek admission for other purposes and who wish to ascertain in advance whether they ar eligible for admission, the entry clearance for which they may apply will take the form of a visa.

Entry certificates are already required by Commonwealth citizens seeking to enter Britain for settlement. To extend visas to cover all Commonwealth and foreign nationals would clearly be a major administrative step, particularly when we are anxious to facilitate entry into the United Kingdom by tourists as part of the development of our service industries. It would also reverse the trend of recent years in negotiating visa abolition agreements in our relationship with foreign countries. Therefore I recommend that we do not become involved in this very difficult area.

5. Entry of Husbands: Avoiding marriages of convenience

In my earlier paper I suggested reversing the concession made by Mr. Jenkins in 1974 facilitating the admission of male fiances. We must also review the position of husbands to avoid, if possible, abuses through marriages of convenience. I believe it is reasonable for us to maintain that the ordinary place of residence of the husband rather than the wife should be viewed as the natural place of abode of the united family. Present immigration rules (para. 47 - amended 22nd March, 1977) say that entry clearance will be refused if the immigration officer "has reason to believe that the marriage was one of convenience" or "that one of the parties no longer has any intention of living with the other as his or her

spouse". Otherwise the husband is admitted for settlement, unless the marriage took place in the twelve months immediately preceding the application for entry clearance, in which case the husband is admitted under conditions for a trial twelve-month period in the United Kingdom to check the solidity of the marriage.

I would suggest to colleagues a further tightening in this area and a return to the position under our 1973 rules which was that, except to husbands with one grandparent born in the United Kingdom, entry would only "be granted if the Secretary of State is satisfied that there are special considerations, whether of a family nature or otherwise, which render exclusion undesirable; for example, because of the degree of hardship which, in the particular circumstances of the case, would be caused if the wife had to live outside the United Kingdom in order to be with her husband".

6. Registers of Dependants: children born after the closing of the Register

There will be cases - after we have compiled a register of dependants and, in all likelihood, extended the period of waiting for entry clearance into the United Kingdom as a result of our quota - of a limited number of children being born to registered families after the closing of the Register - e.g. because of holiday visits. It would clearly be inhumane to exclude such children from entry when clearance is granted.

I do not, however, believe that such children should be included formally on our proposed Register. To establish that precedent of an "ongoing" Register open to the inclusion of these children after the deadline for application to the Registers had passed, would be to invite attack from any people settled in the United Kingdom who had been too dilatory to include their households on the Registers. They might then argue that if we were prepared to add these children to the Registers, we should also be prepared to make exceptions for households which had failed to be recorded on the Registers. I would therefore suggest that these children be dealt with administratively in their countries of origin by requiring registered mothers or their representative informant to notify Entry Clearance Offices of the birth of an eligible child within a certain period - say, three months. Records of numbers and names could then be kept. I would not recommend putting this proposal in any original statement. But I would like to have the authority to use it in answer to questions if hard pressed.

7. Older Children

(i) It should not be the practice for children who pass the upper age limit on normal right of entry (now 18) while waiting to enter the country under quota to be admitted. Such children should by then be self-sufficient and should be subjected to the strict controls outlined in paragraph 2 above.

(ii) Colleagues will have to consider whether it would be desirable to reduce the upper age limit on children who have the right to entry from 18 - the legal age of majority in this country - to 16. Eighteen has been the age since the current immigration law was first operated in 1973. Under the first Act controlling immigration - the Commonwealth Immigrants Act 1962 - only children under 16 were guaranteed admission. To change down the age limit would make a small initial saving in numbers at the expense of children between 16 and 18 whose Entry Clearances were being

processed at the time of change. In the long term the effect would probably not be large. In the event of our quotas imposing lengthy delays on entry and our applying a strict cut-off rule at the upper age limit as suggested in para 7(1), there would obviously be scope for a number of hostile hardship stories in the press which would have less fuel if we were to leave the rule unchanged.

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