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PRIME MINISTER

Nationality Bill

On 21st June I reported to you briefly on the discussion in the Home and Social Affairs Committee about my proposals for a Nationality Bill.

I have said in Parliament that I intend to publish a White Paper before the Summer Recess and I attach a draft of the White Paper as approved by the Home and Social Affairs Committee. The Bill has a place in the main programme for next Session and should be ready for introduction by the end of this year. It will be a major measure, and in part controversial.

The main proposals are as follows:

(a) New Citizenships

The existing Citizenship of the United Kingdom and Colonies would be replaced by three new citizenships: British Citizenship (for people connected with the United Kingdom); Citizenship of the British Dependent Territories (for people connected with colonies, etc.); and British Overseas Citizenship (for the remaining Citizens of the United Kingdom and Colonies, most of them connected with former dependencies, for example, the United Kingdom Passport Holders from East Africa) (paragraphs 14-17 of the draft White Paper);

(b) The Term British Subject

The use of the term 'British Subject' as a description of the common status held throughout the Commonwealth would be discontinued

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(though it would be retained for the purposes of certain domestic legislation, for example on the right to vote) (paragraph 107);

(c) Citizenship by Birth

Birth in this country would no longer carry with it our citizenship in all cases (paragraphs 41-44). Those children who would not acquire it would be those whose parents are both here for temporary purposes, for example as visitors or students, or are here illegally.

(d) Citizenship by Descent

In this area we are proposing that citizenship should descend in the female line in the same way as in the male line. We propose also to give more generous treatment than at present to the children born abroad to people in Crown Service, and to those of British businessmen. There are certain immigration risks inherent in the proposals for businessmen's children, but the Committee thought this justifiable because of the need to ensure the confidence of our business communities overseas (paragraphs 49-58);

(e) Entitlements to Citizenship under the Present Act

Certain entitlements to citizenship would be discontinued, notably that for Commonwealth citizens who have been settled in this country for a long time (paragraphs 77-78). It is however proposed to allow a period of two years during which existing entitlements could be exercised;

(f) Citizenship by virtue of Marriage

It will be proposed that the only advantage accruing to a spouse through marrying a British Citizen should be to be able to apply for naturalisation after three years instead of five. Wives would lose

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their present entitlement to acquire citizenship, and those living abroad would in practice be unable to do so. But the tendency nowadays, as exemplified in a recent international Convention, is towards equality of treatment between the sexes; and the alternative to achieving this in the way we propose would in effect mean abandoning immigration control over husbands living abroad (paragraphs 72-76);

(g) Dual Nationality

Earlier proposals to restrict the holding of dual citizenship where another one is obtained by voluntary act, for example by naturalisation, have been withdrawn (paragraphs 86-91) (save possibly where a child has obtained citizenship by means of the concession for businessmen).

Among other features of the proposals are:-

- (a) that it is proposed to make no change in the nationality position of citizens of the Irish Republic; and
- (b) that it is not proposed to introduce a system of appeals against refusals of naturalisation, etc.

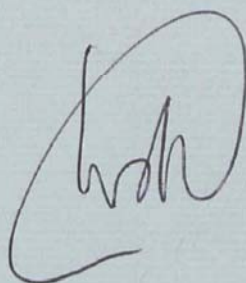
The proposals in the Bill would require extra staff of the order of 20 before Royal Assent, 25 to deal with transitional provisions and 45 when permanent provisions come into force. At 1980-81 prices the cost of the staff in the three periods would be £0.15 million; £0.17 million and £0.3 million respectively. A substantial part of these costs is met by fees charged for grant of citizenship.

I am sending copies of this minute and its enclosure to members of the Cabinet, to the Law Officers and to Sir Robert Armstrong.

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Perhaps I could assume, unless I hear to the contrary by close of play on Wednesday 2nd July, that you and our colleagues are content that the White Paper should be published as drafted.

A handwritten signature in black ink, appearing to be 'L. H. D.', enclosed within a large, loopy circular flourish.

26 June 1980

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