

Prime Minister

(F)

IMMIGRATION RULES

1. There was a meeting yesterday morning at the Home Office, at which I was present, which was attended by the Home Secretary, the new Minister of State at the Home Office, and some members of the Executive of the 1922 Committee, led by Edward du Cann. Unfortunately, the two Members of the Executive, who had voted against the new Rules last month (Jill Knight and Marcus Fox) and the one Member who had abstained (John Biggs-Davison) were not able to be there. The Deputy Chief Whip was also present.
2. At the start of the meeting, the Home Secretary circulated a paper, of which I attach a copy.
3. The purpose of the meeting was to explore the possibility of presenting to Parliament fresh Rules on which the Parliamentary Party can unite.
4. I remind you that fresh Rules have to be laid before Parliament not later than the 16th of next month. Thereafter, these fresh Rules can be prayed against within 40 days.
5. We discussed the possibility of a Register of those Commonwealth wives and children entitled to entry for settlement under the 1971 Immigration Act (as promised on page 20 of our Manifesto), and also the possibility of beefing up the provision that immigrants should be able to maintain themselves without recourse to public funds.

6. It was agreed that the Home Secretary and the Minister of State should give further consideration to these suggestions. The Home Secretary is to meet the full Executive of the 1922 Committee at 5.15 p.m. on Thursday 20th January. Edward du Cann has asked me to be present at that meeting.

7. No Minister has been invited to attend the meeting of our Home Affairs Committee on Monday 17th January, although, of course, the matter will be raised then.

14.1.83



IAN GOW

THE GOVERNMENT'S RECORD ON IMMIGRATION

The figures

Total acceptances are now lower than at any time since Commonwealth immigration began, having fallen from over 70,000 (37,000 from the New Commonwealth and Pakistan) a year when we took office to 53,000 (30,000 from the N.C.W.P) in the year ending 30 September 1982.

Queues of applicants in the Indian sub-continent for settlement entry clearances are also down, from over 27,000 in 1979 to 10,000 last September. This gives a pointer to future trends, although processing delays mean that there can be no immediate reduction in settlement figures.

Apart from United Kingdom passport holders under the special voucher scheme, the number of primary immigrants accepted for settlement is falling because of successive reductions in the number of work permits issued, including our further tightening of the work permit scheme in 1979. (There is a delayed effect on settlement figures because people must spend 4 years in approved employment.)

The Government has rejected the recommendation of the House of Commons Home Affairs Committee that the number of special vouchers issued from the global quota to United Kingdom passport holders in India should be trebled in 1983 and 1984, which would have added 3,000 a year to the settlement figures.

Immigration now consists predominantly of the wives and children of men already here. The Fifth Report from the Home Affairs Committee in the 1981-82 Session, published in July, concluded that 'The overall trend of immigration from the Indian sub-continent by wives and children who have obtained entry clearances for immediate settlement is one strongly in decline'. The Government agrees.

Thus, since 1979, the trend has been sharply downwards.

The British Nationality Act 1981

In the Manifesto we promised a new Act to define entitlement to British citizenship and to the right of abode. The 1981 Act gives us a clear idea of who actually belongs here, i.e. British citizens. Putting our citizenship on a rational and orderly footing is a major achievement which has important implications now and for the future.

Children born here to parents who have no right to stay permanently - perhaps 3000 to 6000 each year - will no longer automatically gain our citizenship

and with it the right of abode. Assuming they leave when their parents leave they will not be able to transmit the right of abode to their children and grandchildren born overseas.

People who are deported in future will not be able to claim that they should be allowed to remain to look after their children who have an independent right to remain solely by reason of having been born here.

The scheme of British Dependent Territories citizenship and British Overseas citizenship more accurately reflects the less close relationships such citizens have to this country. The limitations on the transmissibility of British Overseas citizenship set a limit to our immigration commitment to certain British Overseas citizens under the special voucher scheme.

The other Manifesto commitments

"Switching"

We promised in the Manifesto to end the practice of allowing permanent settlement for those who come here for a temporary stay. We did this in the 1980 Rules. A visitor who takes work or tries to set up in business falls to be refused further stay.

Dependants

We promised to limit the entry of parents, grandparents and children over 18 to a small number of urgent compassionate cases. We did this in the 1980 Rules. Children aged 18 or over - except unmarried daughters under 21 who are part of the family unit and have no other close relatives in their own country to turn to - have no claim as dependants. Parents and grandparents must be elderly, wholly or mainly dependent on children settled in this country who can and will maintain and accommodate them, and without other close relatives in their own country to turn to. Other relatives (or younger parents) must not only meet these requirements but also show that they are living alone in the most exceptional compassionate circumstances including having a standard of living substantially below that of their own country. In 1981, only 600 dependent relatives from the Indian sub-continent were accepted.

Husbands and fiances

We promised to end the concession introduced by the Labour Government in

1974 to husbands and male fiances of all women settled here. Our changes in the 1980 Rules confined the right to citizens of the United Kingdom and Colonies born here or born to a parent born here, subject to safeguards against abuse. The changes in HC66 follow the Nationality Act and give the right to British citizens only, that again subject to safeguards. This is in line with the affirmation in the Manifesto 'The rights of all British citizens legally settled here are equal before the law whatever their race, colour or creed'.

The adoption of this test would not, in the longer term, have much impact on the settlement figures, because the proportion of Asian girls reaching marriageable age who are British citizens because they were born here will increase rapidly. In the shorter term there are likely to be more applications, but not to the level under the rules in force before 1980: processing delays will prevent any sharp increase in the number of admissions.

Work permits

We promised to restrict severely the issue of work permits. We did so by the tougher criteria announced in November 1979.

A register and quotas

We promised to introduce a register of those Commonwealth wives and children entitled to entry for settlement under the 1971 Immigration Act and then to introduce a quota system, covering everyone outside the European Community, to control all entry for settlement. Legislation would be needed to qualify the rights of entry of wives and children covered by section 1(5) of the Immigration Act 1971 and the Government decided at the outset to give priority to the Nationality Act and the changes in the Immigration Rules. We also introduced, from the beginning of 1981, a new statistical data collection system for the Indian sub-continent. By examining such facts as when a settled person bringing in others entered the United Kingdom, when he or she married, and the age and relationship to the person here of those applying to settle, it will be possible over a period of years to build up a much better picture at less cost of the nature of immigration from the Indian sub-continent than could be obtained from a register. This additional information will in time give an insight into the changes in the group who might qualify to come here. A register compiled at the beginning of 1979 would probably have included some

people who would not in the event have chosen to come, as well as omitting about a quarter of those accepted from the Indian sub-continent as a whole during 1981, (and about half of those accepted from India) because for example they married later than that date.

The Government intends to keep the need for a register under review in the light of the results of the new exercise.

The Manifesto envisaged that quotas would be imposed once the register had been established. Quotas affecting statutory rights would require legislation and would have administrative costs. They will need to be considered in the light of the new statistical exercise and against the statistical background given above.

Enforcement

The Government continues to take firm action, as promised in the Manifesto, against illegal entrants and overstayers. The number of deportation orders enforced against overstayers was 30% higher, and the number of illegal entrants removed was 18% higher, in 1981 than in 1978. Improved administration (including the use of computers) and firmer rules have reduced delays in the system so that a person who has no proper claim cannot spin out his stay as long. There is full co-operation with the police to enhance the effectiveness of the immigration control.

13th JAN - MAR 1983.