



PRIME MINISTER

To see. You will wish to read the attached paper, and we will let you know what comes of it at H next Wednesday.

PRIME MINISTER

...
H(79)57 I enclose a copy of a paper which I am circulating to the Home Affairs Committee about changes in the Immigration Rules.

M/S

Paragraphs 4 to 6 refer to husbands and fiances. Because of the wide circulation of Home Affairs papers and the risk of a leak leading to misrepresentation these paragraphs have been particularly carefully drafted.

The effect will be to limit severely husbands and fiances being brought in from the Indian sub-continent under arranged marriages, which is the mischief we want to deal with; but a British born girl who marries, say, an American or a man from the old Commonwealth, will be able to live here with her husband if they choose.

This concession for marriages within the Western tradition will blunt some of the criticism of discrimination between the sexes. Although we shall be accused in some quarters of being racially discriminatory the charge can be in large part rebutted. It is not discriminatory to distinguish between a marriage freely entered into by two people making their own decisions and an arranged marriage where the partner is deliberately sought from abroad because of the financial and other advantages of gaining settlement in this country.

I doubt that this line can be sustained for long? M/S

I shall of course be explaining this to my colleagues in Home Affairs Committee and when we come to a debate in the House I shall set out quite clearly what we intend to do and why. But because of the political sensitivity of the subject it seemed to me that you would find a personal minute at this stage helpful.

Thanks - for letting me know about the White Paper. I fear that families will get round the "have not-out" provisions by sending the daughter out to India etc for the marriage ceremony.

W.S. 110

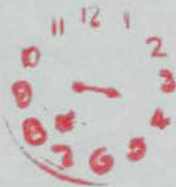
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19 September 1979

R.T



19 SEP 1979





✓ MRP Immigration

Foreign and Commonwealth Office
London SW1

1 November 1979

Mr. Wilkin,

WHITE PAPER ON THE IMMIGRATION RULES

On 16 October you circulated a memorandum with a draft White Paper on proposals for changing the Immigration Rules, and we agreed this in Cabinet on 25 October.

Most of the matters dealt with in the draft text which are of interest to the Foreign and Commonwealth Office have been considered in recent correspondence, resting with your letter of 18 October to Richard Luce. I think it would be useful, however, if I recorded our understanding of the conclusions we have reached over the more important questions.

Husbands and Fiancés of Women Born Abroad

We welcome your recognition of the need to say something at an appropriate time about the question of women who wish to bring in a husband or fiancé, and whose birth abroad was a result of their parents' temporary absence.

Presentation of the White Paper

We are agreed that there is a special need for careful explanation of our measures to the Governments of India, Bangladesh and Pakistan. We may be able to judge some of the reactions when

/we

The Rt Hon William Whitelaw MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1

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we see how those three countries treat the disclosure of our intentions on husbands and fiancés. Our officials are already preparing comprehensive guidance for overseas posts.

Medical Examinations for Immigration Purposes

We appreciate your views that until Sir Henry Yellowlees' recommendations are known, no decision can be taken as to the feasibility and desirability of announcing them, in time for the debate on the White Paper. However, I should like to reiterate the point made by Richard Luce in his letter of 8 October that in our view there would be great advantage in arranging for both subjects to be debated together, if this proves at all possible.

Working Holiday-Makers

You know from Richard's letter that the Foreign and Commonwealth Office would have preferred to leave the present arrangements unchanged in deference to the representations made by Australia and New Zealand and in order to help to maintain our Old Commonwealth links. You may recall that when the Prime Minister visited Australia she gave assurances that the British Government would not introduce any changes in the immigration regulations that would adversely affect the existing rights of Australians to enter Britain and seek jobs here. The Australian High Commissioner has in the last few days made strong representations to Peter Blaker about this, and has now repeated Australian views in letters to Peter Carrington and yourself. I think we should look at this again when the White Paper is debated.

There is one further matter which has not been raised in correspondence but which I believe is of sufficient importance to be brought to your notice. Paragraph 13 of Part I of the draft White Paper deals with the transitional arrangements. We are grateful for your agreement that entry applications made before the date of the White Paper should be considered under the present Rules.

/This



This will ensure fair treatment for those applicants who have applied and are awaiting interview at Foreign and Commonwealth Office posts in the Indian sub-continent. However, there is also the question of how we are to deal with applications lodged between the date of the White Paper and the entry into force of the new Rules at posts (eg in Europe) where there are no waiting times. If such cases were to be considered under the present Rules there could well be a flight of applicants from the sub-continent to Europe. Officials of our departments are aware of this danger and I suggest they and our Legal Advisers should consider urgently how it can be prevented.

I am sending copies of this letter to our Cabinet colleagues.

yes ✓
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QUEEN ANNE'S GATE LONDON SW1H 9AT

30 October 1979

Dear Patrick

WHITE PAPER ON IMMIGRATION RULES (C(79)45)

Thank you for your letter of 22 October.

I am sure that it will be necessary to refer during the debate on the White Paper to the review of medical examinations in the context of immigration which is being undertaken in consultation with Sir Henry Yellowlees. Quite what we shall be able to say about the amount of medical screening overseas, and any changes which we propose to make, depends on what the Chief Medical Adviser recommends and how soon we are able to reach conclusions on his recommendations. I doubt whether this will be altogether a simple and straightforward matter, but I am very ready to approach it with an open mind.

I am sending copies of this letter to the Prime Minister, other Cabinet colleagues, including Norman Fowler, and to Richard Luce and Sir Robert Armstrong.

Yours

WJ

The Rt Hon Patrick Jenkin MP

31st OCT 1979

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PRIME MINISTER

In response to your request, the Home Secretary will mention his Immigration White Paper, under the Parliamentary Affairs item. In the box tonight you will see

- (i) A note from the Chief Whip warning that there is anxiety on the backbenches about the proposed restrictions on foreign husbands and fiances; and
- (ii) A note confirming that the Home Secretary has not completely ruled out a dependants register in the future.

24 October 1979

Handwritten notes:
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HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

24 October 1979

PRIME MINISTER

Confirmation that Mr Whitelaw has not ruled out a register of dependents.

Dear Mike

MA 24/x

OK

IMMIGRATION RULES

Thank you for your letter of 23 October.

The Home Secretary will of course, as the Prime Minister asks, mention his plans for the Immigration Rules White Paper at Cabinet tomorrow, under the Parliamentary Affairs item.

So far as the register is concerned, I can confirm that the Home Secretary is not ruling this out, but for it to be enforceable it would, of course, require substantive and highly controversial legislation for which there is no room in this Session's legislative programme.

I am sending a copy of this letter to Martin Vile.

Yours sincerely
Tay Butler

(A J BUTLER)

M A Pattison Esq

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24 OCT 1979

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10 DOWNING STREET

PRIME MINISTER

I attach a note from the Chief Whip, warning of problems within the Party on the immigration legislation.

As you requested, the Home Secretary intends to mention the proposed White Paper in Cabinet, and I have suggested that this be done tomorrow under the Parliamentary Affairs item.

MA

24 October 1979

FROM: THE RT HON MICHAEL JOPLING MP



Government Chief Whip

12 Downing Street, London SW1

23 October 1979

Her Prime Minister.

Ans

I had a discussion last week with the Home Secretary about the proposed Immigration White Paper. I have delayed writing to you, so that I could get some indication, after Parliament resumed, of the feelings in the House.

There is a strong feeling by certain Members against our proposals, both with regard to hardship caused by the restrictions on foreign husbands and fiancés of women in this country and from the Equal Opportunities lobby.

We may have considerable difficulty in selling out proposals to the Party; but the Home Secretary is meeting groups of members shortly to try to reduce the difficulties.

James E. ...
Michael

The Rt Hon Margaret Thatcher MP
Prime Minister
10 Downing Street
SW1



GOVERNMENT OF WEST VIRGINIA

DEPARTMENT OF REVENUE

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24 OCT 1979

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10 DOWNING STREET

From the Private Secretary

23 October 1979

The Prime Minister has seen the Home Secretary's minute of 20 October, and your letter to me of 18 October, about the White Paper on the Immigration Rules.

The Prime Minister is content with the arrangements which the Home Secretary has in mind for printing and publication. She would, however, like the Home Secretary to mention this subject in Cabinet, as it is a major part of the Government's Legislative Programme. This could most conveniently be done under the Parliamentary Affairs item on Thursday next, 25 October.

The Prime Minister has noted that there is some criticism from Government Backbenchers that the Government is not going ahead with a register. She has expressed the hope that the Home Secretary is not ruling this out altogether. Perhaps you could let me have a response on this point in the course of tomorrow.

I am sending a copy of this letter to Martin Vile in the Cabinet Office.

M. A. PATTISON

J.A. Chilcot, Esq.,
Home Office.

TWR



NBPM
MAP 27/4

DEPARTMENT OF HEALTH & SOCIAL SECURITY
Alexander Fleming House, Elephant & Castle, London SE1 6BY
Telephone 01-407 5522
From the Secretary of State for Social Services

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1

22 October 1979

Dear Willie,

WHITE PAPER ON IMMIGRATION RULES (C (79)45)

I understand the paper is being dealt with by correspondence. I am accordingly replying to your very helpful letter of 11 October pursuing only my main point of the review of medical checks on people coming for settlement.

My concern is with the burden immigrants may place on the health and social services both for their own treatment and care and for treating conditions they may communicate to others here. Our present dependence substantially on examination on arrival is not as effective as medical examination overseas. This could enable the departure for this country to be delayed and treatment to be given beforehand.

Clearly we cannot take this much further until we see the report on Sir Henry Yellowlees' review of medical examinations in the context of immigration. I see your difficulties about the possibilities of main legislation but I may well want to press that statutory backing is sought for compulsory medical examination overseas. I have not suggested, and I doubt whether I shall want to do so, that the rights of certain dependents to come here should be taken away on medical grounds.

If the White Paper is as you suggest silent on this subject then it seems to me essential that the debate on the White Paper should announce our intentions. I hope you can give a firm assurance on this.

I am copying this letter to Cabinet colleagues and to Sir John Hunt.

You see
Patel

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PRIME MINISTER

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A note of the most sensitive points is at "A".
The Cabinet paper, with draft White Paper, is at "B".
Agree that White Paper containing proposals for changes should now go to press without Cabinet discussion - it was discussed in it?

PRIME MINISTER.

WHITE PAPER ON THE IMMIGRATION RULES.

On 15 October I circulated with my memorandum C(79)45 the draft White Paper containing my proposals for changing the Immigration Rules. That memorandum invited my colleagues to agree to the publication of the White Paper as soon as possible.

MA 224x

I have said publicly that I intend to publish the White Paper shortly after Parliament resumes and, with your agreement and that of our Cabinet colleagues, I propose to send the White Paper to the printers next Wednesday, 24 October, with a view to publication in mid-November.

Go ahead
ans.

I am sending copies of this minute to other members of the Cabinet, the Minister of Transport and to Sir John Hunt.

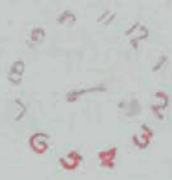
Agreed note
- It must be mentioned at Cabinet because it is so important. However, underlined there is some uncertainty Jan 20 on back benches that we are not going ahead with a reply. I hope we are not rushing it - not altogether

LOW

20 October 1979



22 OCT 1979



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HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

18 October 1979

Dear Mike

WHITE PAPER ON THE IMMIGRATION RULES.

The Home Secretary is minuting the Prime Minister and his Cabinet colleagues about the draft White Paper embodying a complete revision of the Immigration Rules which he has circulated as C(79)45.

It may be helpful to mention those points in the proposals which are most likely to prove controversial. It goes without saying that any restrictive measures in this field will encounter bitter criticism from certain interest groups, and likewise that any proposals short of total prohibition will ^{elicit} calls from some quarters for yet more to be done. But there are some particularly sensitive points:

- (i) Husbands and Fiances. (para. 4-5 of C(79)45) - the proposal is designed to meet the Government's basic objective, reflected in its Manifesto commitment, of preventing primary immigration through marriage, and it is designed at the same time by making provision for British-born women to marry someone from overseas, to accommodate the very strong wish (not least among the Government's own supporters) that women should be broadly on the same footing as men. The fact that they were not was one of the principal factors which led to genuine dissatisfaction with the pre-1974 arrangements. Many in the women's lobby will no doubt argue that even this proposal does not offer true equality. It is, however, a long step towards it. The proposal also has the merit of going a good way (in principle) to counter criticism that any restriction on foreign husbands must be racially discriminatory. The "British-born" criterion extends to people of all racial origins, though admittedly it discriminates between UK citizens depending whether they acquired that citizenship by birth here, or by registration or naturalisation having come here as immigrants. This aspect of the proposals will hardly silence the interest groups, but should make some appeal to moderate opinion and indeed to Commonwealth Governments. The risk of adverse findings under the European Convention on Human Rights, to which paragraph 6 of the Cabinet memorandum draws attention, cannot be eliminated if the Government's basic objective is to be met, but the form of the proposals at least enable the Government to mount a reasoned argument in proceedings under the Convention.

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The Home Secretary's judgment is that this proposal offers the best means of limiting really damaging criticism from a standpoint both of sex discrimination and racial discrimination, while meeting the Government's prime objective.

- (ii) Students - the proposals in paragraph 21-25 and 97-100 of the draft White Paper contain some much needed tightening up, particularly in respect of employment by students' spouses and dependants, and of unsuccessful and fringe students who, for example, pursue for short periods successive courses over a long cumulative period while engaging in part-time and unauthorised employment. There is likely to be criticism from students' and other interest groups that these provisions will bite hard on genuine students particularly those from developing countries. There may be a little room here for some concession on points of detail when the Rules come to be made, but the educational institutions themselves, who encounter increasing problems with overseas students, may - privately at least - welcome some further tightening up. The proposals should contribute to the protection of the home labour market, and help to prevent de facto settlement by "perpetual students".

More generally, the proposals represent in several respects (e.g. work permits, dependants other than wives and minor children) a restrictive approach, and in many others (e.g. au pairs, working holidaymakers, and prospective businessmen) they will enable the control to operate more effectively against potential abuse. There will be many who will assert that the control is already so tight as to be oppressive and that under these proposals it will become still more so. But the Select Committee on Race Relations and Immigration drew attention to the need for further tightening of the after-entry control and these proposals go in the same direction as that unanimous all-Party Report.

Chilcot, J.A.

J. A. CHILCOT

M. J. Pattison, Esq.



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10 DOWNING STREET

THE PRIME MINISTER

3 October 1979

Dear Aunty,

Thank you for your letters of 18 and 27 September about the propriety of the Equal Opportunities Commission's opposition to our intended changes in the Immigration Rules on the entry of husbands and fiancés.

As you will know, we are reviewing the Immigration Rules in the light of our election manifesto. In the last few months, Willie Whitelaw and his colleagues at the Home Office have attended meetings and received deputations from the ethnic minorities who have expressed the views of their communities on immigration issues. It was as a contribution to this public discussion that the Equal Opportunities Commission prepared a policy statement, setting out its views on how women might be affected by possible changes in the Immigration Rules and nationality law. This statement was issued to the press on 23 August and I understand copies were sent to all Members of Parliament. Copies were also sent to Women's organisations with a letter from the Chairman asking them to discuss and consider it.

The Equal Opportunities Commission is independent and it would be impossible to try to prevent it expressing views. I can understand the strength of your feelings, but the Government cannot intervene in the day-to-day activities of the Commission whether they raise questions about our policies or not.

Yours sincerely
Rayner Johnston

W. G. O. Morgan, Esq., Q.C., M.P.

FILE

Immigrants CPO

Original in GR

cc: HO

Mrs. Watson
(UNFBPW)

288



Immigration
file B

10 DOWNING STREET

From the Private Secretary

2 October 1979

Thank you for your letter of 1 October (to Nick Sanders) clarifying the effect of the new immigration rules in the case of women who may go overseas to marry and then attempt to return with their spouses. The Prime Minister has seen this, and has noted your view of the likely effect of the new rules.

M. A. PATTISON

J. A. Chilcot, Esq.,
Home Office.

TGR.

From: THE PRIVATE SECRETARY

PRIME MINISTER.

2.

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You commented that immigrants would return home to many, as a way round the new immigration HOME OFFICE rules. Here is

QUEEN ANNE'S GATE LONDON SW1H 9AT

the Home Office response.

1 October 1979

MAP 4

mb



Dear Nick

IMMIGRATION RULES

Thank you for your letter of 20th September.

The new rules on husbands and male fiances would take away altogether the present right of men to join their wives or fiances settled here.

The new rules in effect prohibit the issue of an entry clearance (a) if the primary purpose of the marriage or intended marriage is to obtain admission to the United Kingdom, (b) if there is no intention that the parties to the marriage should live together permanently as man and wife, or (c) if the parties to the proposed marriage have not met. While a couple can get over that particular hurdle by marrying overseas, they must also jump the other fence, and the new Rules go on to say that even when they can jump those hurdles, the man still has no claim to enter but that an entry clearance may be issued provided that the woman is a citizen of the United Kingdom and Colonies born in the United Kingdom. The basic requirement, that the woman shall have been born in the United Kingdom, will cut out a high proportion of the marriages contracted with the primary object of gaining settlement here; the other requirements are superimposed on that foundation.

Yours

Christie Stewart

for J. A. CHILCOT

N. Sanders, Esq.

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1 OCT 1979



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VB

Immigration

20 September 1979

Immigration Rules

The Prime Minister was grateful to the Home Secretary for his personal minute of 19 September covering a copy of H(79)57. The Prime Minister has commented that she fears that families may get round the new provisions for marriages by sending daughters out to India, etc., for the marriage ceremony. You told me this morning that this was not likely to be an effect of much substance, if at all.

NJS

J.A.

J.A. Chilcot, Esq.,
Home Office.

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