

CONFIDENTIAL

NJS to see MAP 21.11.



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

1 November 1979

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~~PRIME MINISTER~~

To note that the Immigration White Paper is due out on Wednesday 14 November

Dear John

WHITE PAPER ON THE IMMIGRATION RULES:
HOME SECRETARY'S STATEMENT

MS

MS

I spoke to Petra Laidlaw (and recipients of copies of this letter) about the handling of publication of the White Paper on the Immigration Rules which the Cabinet has approved.

The Home Secretary proposes to publish the White Paper on Wednesday, 14 November, and to make an oral statement after Questions.

The Home Secretary hopes it will be possible for him, in the course of his statement, to indicate the Government's desire for a debate on the draft Rules in the White Paper, before the Rules themselves are made and come into effect. This implies a debate (I imagine for a full day) sufficiently before Christmas for the Rules themselves to be made before the House rises for the Christmas Recess. The Home Secretary would be glad to know that the Leader of the House is content, and on the assumption that he is, we might discuss the precise way in which this should be put in the statement.

As to timing of publication, the Home Secretary has it in mind to publish the White Paper in the morning, having told Parliament by way of a written answer the previous day that he would do so. This has two objects: first, to ensure that Members of Parliament have a full opportunity to consider the White Paper itself before the statement (avoiding the sort of charges that otherwise tend to be levelled at the Government); and second, to ensure that the provincial evening newspapers - one of the prime targets for news in this particular field - have time to assimilate and comment on the White Paper for that day's editions. The Home Secretary would propose to hold a press conference after his statement.

Copies of this letter go to Nick Sanders (No.10), Murdo MacLean (Chief Whip's Office), Richard Prescott (Paymaster General's Office) and the Chief Press Secretary (No.10).

if this works, it will be a useful way to proceed in future (but not on Tuesdays or Thursdays!)

Agreed

*Yours,
John*

J. A. CHILCOT

John Stevens, Esq.



K25-5-1111

1 - NOV 1979



TO BE CHECKED
AGAINST DELIVERY

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PRIME MINISTER

Mr Whitelaw's statement

HOME SECRETARY'S STATEMENT ON THE NEW IMMIGRATION RULES *for tomorrow*

*M5
13/11*

With permission, Mr. Speaker, I shall make a statement about immigration.

I am today publishing a White Paper setting out the Government's proposals for revising the Immigration Rules. The Immigration Act 1971 requires the Home Secretary to lay before Parliament a statement of any changes in the Immigration Rules, and the statement may be disapproved by a Resolution of either House. My purpose in publishing our proposals as a White Paper is to enable them to be debated before I lay that statement of the new Rules.

The White Paper is the result of a comprehensive review. The new Rules will be clearer, easier to operate and firmer in a number of critical areas.

We shall end the automatic right of entry of the husband or fiancé of a woman settled in this country. But it is not my intention to keep out the husband or fiancé of a woman who was born in the United Kingdom and whose marriage is not contracted for immigration purposes. The object of the new Rules is to prevent the exploitation of marriage as an instrument of primary immigration. We cannot permit that to continue.

I have not overlooked the fact that some girls will have been born abroad because their parents happened to be out of the country (for example in Crown Service or business) at the time

of their birth. It is my intention to consider such cases sympathetically for favourable treatment outside the Rules.

We undertook to end the practice of allowing permanent settlement for those who come here for a temporary stay. The new Rules will provide that visitors and students will not be able to remain for another temporary purpose if this carries with it the prospect of eventual settlement. Visitors will be prohibited from taking employment. People who wish to set up in business or to stay here as self-employed persons or as persons of independent means will have to meet stricter requirements and will need first to obtain entry clearance.

We undertook to limit the entry of parents, grandparents and children over 18 to a small number of urgent compassionate cases. Children aged 18 or over will qualify for settlement only where the circumstances are of the most strongly compassionate nature, though special consideration will be given to daughters under 21 who formed part of the family unit overseas and have no other relative to whom they can turn. Parents and grandparents aged 65 or over and widowed mothers already have to show that they are wholly or mainly dependent on children in this country who can support and accommodate them. In future they will also have to show that they are without other relatives in their own country to whom they can turn and that they have a standard of living substantially below that of their own country. Parents and grandparents under 65 will not qualify for entry save in the most exceptional compassionate circumstances.

/We also.....

We also said we would severely restrict the issue of work permits. This is not a matter for the Immigration Rules, but my rt. hon. Friend the Secretary of State for Employment is today making a written statement on the subject.

The White Paper explains that the Government will consider on the basis of the present Rules all applications made before today.

The other changes in the White Paper are the result of the comprehensive review which I have mentioned. Obscurities have been cleared up, anomalies have been removed, and the scope for abuse and evasion of the control has been reduced.

The Government believes that firm immigration control is essential in order to achieve good community relations. The new Rules will not affect our commitment to certain United Kingdom passport holders being admitted under the special voucher scheme, nor to men lawfully settled here who wish to be joined by their wives and young children. We shall continue to welcome the genuine visitor and the genuine student. What we are determined to do is to deal strictly with those who seek to evade or manipulate the control.

PROPOSALS FOR REVISION OF THE IMMIGRATION RULES

Home Secretary's statement and publication of White Paper

... 1. The Home Secretary made a statement (copy attached) on 14 November about the Government's proposals for revision of the Immigration Rules. These were contained in a White Paper published on the same day. The main proposals are summarised in the following paragraphs.

Husbands and fiances

2. The purpose and intention of the new Rules are set out in the Home Secretary's statement. The Conservative Manifesto said that the rights of all British citizens legally settled here are equal before the law whatever their race, colour or creed. The new Rules will operate without discrimination on grounds of race, colour or creed. All woman born here will be in the same position. !!

3. The Government recognise the claims of British women with strong ties here. Those ties are represented in the proposed new Rules by citizenship of this country by birth. Citizenship by itself is not enough since it would leave the way open to daughters born overseas of parents themselves born overseas to form the stepping stone to further primary immigration leading to the entry of yet more dependants.

4. The Immigration Rules are not covered by the Sex Discrimination Act 1975 and so cannot be in breach of it. Women settled in this country may be at a disadvantage in some cases in their ability to bring in their husbands. Equally, however, women overseas are better placed when it comes to being able to join their spouses in this country. It would not be possible to apply the same restrictions to men settled here because of the nationality and patriality legislation. Commonwealth wives of patrial citizens of the United Kingdom and Colonies are themselves patrial (i.e have the right of abode) and all wives of such citizens may become patrial citizens themselves by registration.

5. It is no part of the Government's intention to discourage the traditional practice of the arranged marriage. But the Government is not obliged to permit primary immigration through marriages arranged for this purpose (and this results in a reversal of the traditional pattern whereby the wife joins her husband in his home). There have also been all too many cases of girls in this country being forced by their families to marry a man they do not want to marry because the families see advantage in enabling that man to come to this country. Well over a hundred letters a year are received by entry clearance officers in the Indian sub-continent from girls asking that their fiance be refused entry because the marriage is being forced on them.

Dependants

6. The Government remains committed to allowing men settled here to be joined by their wives and young children. The United Kingdom's record has been extremely generous in this respect. This generosity cannot be extended indefinitely to other relatives (all of whom may then qualify to bring in further dependants of their own). The Rules have therefore been changed to ensure that the entry of further relatives is kept to the minimum that is reasonable..

International obligations

7. We believe that the new Rules will not infringe our obligations of respect for family life or avoidance of discrimination or any other provision of the European Convention on Human Rights. If individuals are aggrieved they have the right to petition the European Commission on Human Rights. We do not expect any such petition to be sustained.

Permanent settlement for those who come for a temporary stay.

8. The White Paper contains several proposals which will make it more difficult for people to remain here permanently after gaining admission for some purely temporary purpose. The most important measure is that which will prevent visitors or students from being allowed to remain here for purposes (such as work, business, or self-employment) which carry the prospect of settlement after four years. Moreover, people entering as visitors or students will find it harder to prolong their stay in those capacities as a preliminary to digging in permanently : time limits will be set on the lengths of stay of visitors and students on short courses. The criteria for entry to set up in business or self-employment or as a person of independent

means have been greatly tightened up and an entry clearance must be obtained first. In addition refusal would be the normal course with applications from overstayers.

Work permit holders

9. The Government are looking very carefully at the scope for tightening the criteria for issuing work permits. This is not a matter for the Rules. As far as the Rules are concerned, we are taking tougher action in two respects. The new Rules will not allow work-permit holders admitted for short periods of employment to obtain extensions of their stay for continued employment unless the Department of Employment give their consent. Second, the wives and children of work-permit holders will be prohibited from taking employment.

Businessmen, the self-employed and persons of independent means

10. In future it will not be possible for people to settle here simply because they are rich. Those wishing to set up in business or as self-employed persons must show that they will be making a significant contribution to the economy. Persons of independent means will similarly have to show something more than that they possess the required sum of money.

11. The self-employed (other than writers and artists) will have to meet the same criteria as businessmen, which will in future include the possession of at least £100,000 in capital and the prospect that the business will make profits large enough to generate employment in this country. Those seeking to enter will have to obtain an entry clearance before coming here. No claim to remain as a businessman, self-employed person or person of independent means will be accepted after entry.

12. Persons of independent means will in future have to demonstrate in advance their claim to admission by obtaining an entry clearance. They will require a capital sum of at least £100,000 or an income of not less than £10,000 a year. In addition, they will have to show close links with this country or that their admissions would be in this country's general interests.

13. Writers and artists would be treated under separate provisions allowing them to remain if they can support themselves out of the proceeds of their writing or art.

Au Pairs

14. The provisions governing "au pair" girls will be tightened up. In future there will be lower and upper age limits of 17 and 25 and the scheme will be restricted to nationals of Western Europe (including Malta, Cyprus and Turkey). Au pairs will not be able to take employment nor to spend more than 2 years in an au pair capacity.

Transitional and provision for debate

15. It is not possible to be precise about the effect of these changes on the numbers accepted for settlement. The proposals may reduce total acceptances directly by some 3-4 thousand in a full year but, because of the transitional arrangements proposed, their full effect will not be felt until 1984 or 1985. About half of the 65-70 thousand people accepted for settlement annually are wives and children whose right of acceptance is not in doubt. A reduction of 3-4 thousand a year in the remainder is not insignificant. Moreover much of the reduction will be in an area (husbands and male fiances) where the present Rules are known to be exploited; the proposed changes in other areas will make it harder to extend temporary periods of stay with a view to evasion of the control or to eventual settlement; and some potential sources of future increases in numbers accepted for settlement (such as au pairs from outside Western Europe) will be removed.

16. The purpose of publishing the proposals for revision of the Immigration Rules in a White Paper is to enable Parliament to consider and debate them before they are laid in final form. It is hoped to have the debate and to lay new Rules before Christmas.

Paymaster General's Office
Privy Council Office
68 Whitehall
SW1

14 November 1979

HOME SECRETARY'S STATEMENT ON THE NEW IMMIGRATION RULES

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From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

CONFIDENTIAL

13 November 1979

Dear Aick ^{MS}

WHITE PAPER: PROPOSALS FOR REVISION
OF THE IMMIGRATION RULES

... I enclose, for information, an advance copy of this Command Paper which is to be published at 11.00 am on Wednesday 14 November.

I am sending copies of this letter, and the Command Paper, to the Private Secretaries to other members of the Cabinet including the Minister of Transport, and to Martin Vile.

Yours ever
Tony Butler

(A J BUTLER)

N J Sanders Esq

CONFIDENTIAL



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Immigration ✓

QUEEN ANNE'S GATE LONDON SW1H 9AT

8 November 1979

Dear Ian

Thank you for your letter of 1 November about the White Paper on the Immigration Rules. I agree with your understanding of the conclusions reached over the more important questions and note your views on medical examinations and working holidaymakers.

As you probably know, the Australian High Commissioner has also discussed the question of working holidaymakers with Tim Raison. As I indicated in my letter of 18 October to Richard Luce, this is a matter to which we can return if necessary after publication of the White Paper.
will report if required

On your last point, I understand that steps have already been taken by your Department to minimise the possible adverse consequences of a flight of applicants to posts where there are no entry clearance queues. Posts have been warned to advise such people that the proper course is for them to apply in their own country, but that, if they insist on pursuing their application abroad, then reference to the relevant British post in the applicant's country of origin will be necessary with inevitable consequential delays.

I am sending copies of this letter to the recipients of yours and to Sir Robert Armstrong.

*Yours
W. L. M.*

The Rt Hon Sir Ian Gilmour Bt MP

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Immigration



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

7 November 1979

John Chilcot Esq
Private Secretary to the
Home Secretary
Home Office
50 Queen Anne's Gate
London SW1H 9AT

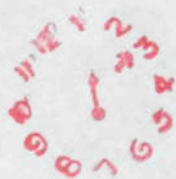
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MS

The Paymaster General has seen your letter to John Stevens of 1 November and is content with the arrangements which you propose for the publication of the White Paper.

I am copying this letter to Nick Sanders (No 10), John Stevens (Chancellor of the Duchy's Office), Murdo Maclean (Chief Whips Office) and the Press Secretary at No 10.

R E S PRESCOTT
Private Secretary

1-7 NOV 1979





Immigration ✓ MAP

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SECRETARY OF STATE FOR THE HOME DEPARTMENT

White Paper on Immigration Rules: Overseas Medicals

1. I have received a copy of Patrick Jenkin's letter of 22 October to you about the scope of overseas medicals for immigrants, and his wish to have a mention of this made in the debate on the White Paper on the Immigration Rules.

2. I have nothing against Patrick's proposals in principle, although as you and he concede they could, depending on their final form, much affect the work of our overseas posts. I agree with you therefore that before we make any announcement of our plans we should await the outcome of the Yellowlees' Review. Until we have seen his detailed recommendations we cannot say what shape our plans should finally take and cannot, therefore, assess their impact on FCO interests.

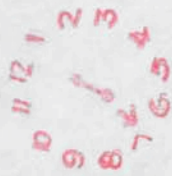
3. I am copying this minute to Cabinet colleagues and to Sir Robert Armstrong.

(CARRINGTON)

Foreign and Commonwealth Office

6 November 1979

- 6 NOV 1979



12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

✓
M



*NOT to see
via
M.A.P.*

Government Chief Whip
12 Downing Street, London SW1

6 November 1979

The Chief Whip has seen your letter to John Stevens of 1 November and is content with the arrangements which you propose for the publication of the White Paper.

I am copying this to Nick Sanders (No.10), John Stevens (Leader of the House's Office), Richard Prescott (Paymaster General's office) and the Chief Press Secretary (No.10).

(M MACLEAN)

J Chilcot Esq
Private Secretary
Home Office
50 Queen Anne's Gate
SW1H 9AT



11-06 NOV 1979

cc CWO
PBO

Immigration
HS

5 November 1979

The Prime Minister has seen your letter to John Stevens of 1 November. Subject to the views of colleagues she is well content with the arrangements proposed in that letter.

I am copying this letter to Murdo Maclean (Chief Whip's Office) and Richard Prescott (Paymaster General's Office).

N.J. SANDERS

JS

John Chilcot, Esq.,
Home Office.