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Immigration
LPP



Prime Minister

1700
Monday 13 Sept.
CS. 619

PRIME MINISTER

Yes no

Agree to see the Home Secretary, Chief Whip, and Tim Raison? Mr Whitelaw is anxious to explain personally the reasoning behind these proposals.

IMMIGRATION RULES ON MARRIAGE

Your Private Secretary's letter of 26 August to mine said that you were unhappy about the changes in the Immigration Rules on marriage that H Committee agreed on my recommendation in June. This minute summarises the reasons why we concluded that a change must be made, and made now, and discusses some aspects of the presentation of the new Rules.

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At present, as you know, we define the category of women who may be joined by their husbands in this country as those citizens of the United Kingdom and Colonies who were born here or had a parent born here. One of the main purposes of our recent Nationality Act was to get rid of the category of citizens of the United Kingdom and Colonies and to define for the first time a new category of British citizens whose full loyalty would be to this country. The new Rules have to include a fresh definition of those women whose husbands can join them here and there are strong arguments in principle for saying that any woman who is a British citizen has this entitlement.

This is not solely a question of domestic law. The European Commission consider the present rule as contrary to our obligations under the Treaty of Rome and it is very likely that current cases will lead to decisions at Strasbourg that the present rule also contravenes the European Convention on Human Rights. I would prefer to make the change now, when it can be presented as part of our reform of the nationality law, rather than have to do so later as a consequence of an adverse decision in Europe. (I must add that we cannot be sure that what we propose will dispose of all the cases pending at Strasbourg though it will fully meet our Community obligations.)

There will be controversy whatever we do. Some of our supporters will oppose any changes; others who put their names to Early Day Motion No.370 on the subject will expect the Government to make the changes I have in mind and might be ready to vote with the Opposition on the issue. Certainly I could not guarantee that the new Rules would secure a majority in both Houses unless we make some alteration in the present position. In the course of the Parliamentary debates I would emphasise that we are not going back entirely to the pre-1980 position. We should allow only British citizen women to bring in husbands, whereas the previous Rules allowed all settled women, whatever their citizenship, to do so. And the condition that marriages should not be for the purpose of immigration, and that the couple should have met, will remain.

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As to the general immigration background, there has been a reduction in the numbers of immigrants accepted for settlement since we took office. The settlement figures in 1981 were the lowest since 1973. The numbers applying for entry clearance in the sub-continent have dropped sharply and the queues there are now shorter. Moreover, although the changes we propose will increase the number of applications in the sub-continent because people not previously eligible to come will now apply, the extent to which applications lead to an immediate significant increase in the numbers accepted for settlement depends on what changes, if any, we make in the number of entry clearance officers available to deal with the applications.

The decision about the content of the new Rules is not an easy one and I reached my conclusions only after a good deal of thought and discussion with colleagues. I should welcome an opportunity to discuss this further with you, however, before we are irrevocably committed. It would be helpful, I suggest, if Michael Jopling and Tim Raison were to join us.

W. W.

2 September 1982

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