



Immigration
Prime Minister (2)
ms 10/9
QUEEN ANNE'S GATE LONDON SW1H 9AT

ms
9 September 1982
Dear Ian

Thank you for your letter of 17th August about the draft Immigration Rules.

You asked about the intention of paragraph 58C, which relates to children born in the United Kingdom who because neither of their parents is a British citizen or settled at the time of their birth, are not British citizens. Under paragraph 58C if such children have not been absent for more than two years, they may be given leave to enter without having to satisfy the normal requirements in the rules relating to maintenance and accommodation and the presence here of both parents. The normal entry clearance requirements are also waived if such children are travelling alone, or with parents or a parent who do not require entry clearance (but visa nationals will have to have a visa).

These are special concessions for children who have not been away for more than two years. Children who have been away too long to benefit from paragraph 58C will still be able to obtain leave to enter, but they will have to comply with the normal requirements in the rules, as envisaged in paragraph 58G. Thus, in the example you give the child would have to qualify under paragraphs 42, 43, 46 and 47 of the rules. Adequate maintenance and accommodation would have to be available; both parents would have to be present in the United Kingdom, and prior entry clearance would be required.

I hope this clarifies the intention in this part of the rules. It seemed reasonable to facilitate the entry of children who were born here, as long as they retained strong links with this country, and two years seemed an appropriate cut off period for this purpose. It also corresponds with the period within which a person who is resident here without a time limit on his stay must return if he wishes to benefit from the concessions for returning residents.

I am sending copies of this letter to the recipients of yours.

J. Mason
W. Miller

Sir Ian Percival Q.C. M.P.