



Prime Minister

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Paragraphs 1-10  
(flagged) set out the  
main lines of the Government's proposed  
response. Agree to have Secretary's  
proposed package?

SECRETARY OF STATE FOR FOREIGN & COMMONWEALTH AFFAIRS

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The Home Affairs Committee published on 28 July its Fifth Report on Immigration from the Indian sub-continent and I am now circulating the draft of a White Paper setting out the Government's response which I understand has been agreed between officials of our two Departments and parts of which Malcolm Rifkind has already seen and approved. Many of the recommendations are of a minor administrative nature to which the White Paper attempts to respond in as constructive a manner as possible. The purpose of this letter is to confirm the agreement between our officials on the lines of the response, to draw particular attention to two or three of the more important recommendations, and to give the Prime Minister and colleagues in H Committee an opportunity to comment on what is proposed.

Recommendation (1) proposes that the register of dependants which formed part of our election manifesto should not now be established. For some time I have made it clear in public that, while the register remained a part of Government policy, I could see no early opportunity for legislation. Instead I have laid emphasis upon the new data collection exercise we have begun as an alternative means of fulfilling the main purpose of a register. The Committee has reached the firm view that this new exercise will in due course provide better information than a register and it is, of course, considerably cheaper; the Franks Committee estimated the cost of a register in 1977 at several million pounds. I would endorse the conclusion that the Committee has reached and the White Paper accordingly proposes that the recommendation should be accepted. While it is always difficult to renounce part of an election manifesto, we can reasonably claim credit on this occasion for our flexibility in thinking up a better alternative scheme and thereby saving the country a considerable sum of money. The recommendation did not cause a major stir on publication; nor should its acceptance.

As you know from Tim Raison's letter of 14 September to Douglas Hurd, I have rejected the main recommendations on United Kingdom Passport Holders which propose that the Indian quota should be trebled for two years and a cut off date subsequently fixed (recommendations (34) and (35)). This would mean that an additional 3,000 people could be admitted for settlement in both 1983 and 1984, which would not be acceptable to our supporters at a time when we propose to relax the present marriage rules. I have, however, given careful thought to the proposal (recommendation (37)) that any child under 25 at the time the parents' voucher is issued should automatically be regarded as dependent and granted entry clearance. For a number of reasons this recommendation is not acceptable as it stands, but the White Paper goes some way to meeting the Committee's criticisms on this point by proposing that any UKPH child under 25 should be admitted as a dependent, provided he would be eligible in his own right. This would assist the administration

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of the scheme, but would lead to an increase in the numbers accepted for settlement of between 50 to 100 a year, with an initial hump because of a backlog of applicants. This compares with total acceptances from India under the scheme at present running at about 1,500 a year. On balance, I think this small addition is an acceptable price to pay for going some way to meet the Committee's genuine concern on this issue and for rejecting their main recommendations which, as I have indicated, would have led immediately to annual increases of 3,000.

As to timing, I am proposing that the White Paper should be published during the week beginning 1 November so that it can be taken into account during the debates on the changes in the immigration rules. It will be of some advantage that the rule changes and this White Paper should be seen as a package, since the rejection of the Committee's main recommendation on UKPH may help to offset any unfavourable reaction to our proposed relaxation of the marriage rules. To meet this timetable, the text of the White Paper must go to the printers very shortly. I shall therefore assume that colleagues are content unless I hear to the contrary by 8 October.

I am copying this minute to the Prime Minister, all members of H Committee and Sir Robert Armstrong.

Wills.

30 September 1982



GOVERNMENT REPLY TO THE FIFTH REPORT FROM THE HOME AFFAIRS COMMITTEE  
(SESSION 1981 - 82 HC 90 - I)

IMMIGRATION FROM THE INDIAN SUB-CONTINENT

1. The Government welcomes this report as a valuable contribution to the general understanding of the current trends in immigration from the Indian sub-Continent and for its practical proposals for improving the administration of the entry clearance system.
  
2. The Government accepts the broad lines of the Committee's analysis of the latest trends in immigration from India, Pakistan and Bangladesh: that the number of heads of households entering this country is now at a very low level and that the number of dependants (notably the wives and children of men settled here) has declined rapidly in recent years and will continue to decline. Although these trends vary slightly from one country to the next, mostly because of historical differences in the patterns of immigration to which the Committee has drawn attention, the general picture is one of declining queues and shorter waiting times, of a decrease in immigration which is likely to continue into the future. The Government does, however, have some reservations about certain detailed aspects of the Committee's analysis and these are set out in the observations on the individual conclusions and recommendations in the Annex to this White Paper. In particular, experience over the years of the changing nature of patterns of immigration, which can alter rapidly in the short term for reasons that are not always easy to predict / or explain, makes the Government doubt the wisdom of relying as heavily as the Committee has done on the assumption that present trends are likely to continue into the future at a



constant rate. The Government also considers that, in the Committee's analysis of the likely future immigration commitment, it may have given too little weight to the question whether men and women of Asian origin both in this country will continue to seek spouses from the Sub-Continent.

3. The Government is grateful to the Committee for the support it has given in its report to the entry clearance officers on the sub-Continent who carry out a difficult job with skill and sensitivity. It is also grateful for the many constructive suggestions that the Committee has made for improving the administration of the entry clearance system. The Government has attempted to respond positively to these recommendations; only in a few cases, where the practical difficulties are overwhelming, has it found itself unable to accept them in full.

4. The Committee's major recommendations on United Kingdom Passport Holders in India rest upon the assessment in paragraphs 77-84 of its report that the majority of UKPH who want to settle in the United Kingdom are already in the queue, that under 10,000 people in the queue will come to the United Kingdom, that in future no more than 350 applications will be lodged each year and that that rate is likely to continue to decline.

5. The Committee has noted the unreliability -- acknowledged by the Government -- of the Foreign and Commonwealth Office's estimate of the number of UKPH in India who would be eligible for special vouchers. Estimates of how many of those who are



eligible will wish to come must be even more unreliable. The Committee suggests that applications have declined over the past four years to the present low level because most of those UKPH who are eligible to come and might wish to do so have already applied, but there is no firm evidence to support this. It is far from certain that applications would continue at the present rate if the Indian allocation were increased and at the same time a cut-off date were announced.

6. The Government considers it better not to rely on speculative estimates, but to focus on the rate at which people actually apply for vouchers and to try to balance the understandable wish of applicants to come here more quickly against the anxieties of the host population about too rapid an immigration. With these considerations in mind, the Government has kept the Indian allocation under review but considers that the present level should be maintained.

7. The Committee's recommendations would mean, on its own estimates, that 3,000 more people a year would be admitted to the United Kingdom under the voucher scheme in 1983 and 1984. The prospects for the longer term would depend on how many applicants came forward. For the reasons given above, the Government is not convinced that most of the UKPH in India who might wish to come here are already in the queue. The longer term prospects would also depend on the effectiveness of the Committee's proposed cut-off date. The Committee envisage that after 1987 applications would be accepted on the basis of criteria which, if applied to UKPH in India (who are not under individual pressure to leave and can acquire Indian citizenship if they wish) would mean that none would qualify to come to the United Kingdom.



8. The Government doubts whether the proposed cut-off date could be made binding, and considers that it would be unfair to individual UKPH. The Committee have not suggested that UKPH should lose their citizenship after the cut-off date; and they could not be required to obtain Indian citizenship. But in practical terms the proposal would mean that after the cut-off date UKPH who had not applied for vouchers would become India's responsibility, even though they might not have become Indian citizens. If, on the other hand, it is envisaged that such UKPH should be accepted by the UK without a voucher, the cut-off date would have no value in limiting future immigration. Nor does the Government consider that the proposal would be fair to UKPH. It would curtail their rights in an arbitrary way, since some UKPH who were not eligible to come before the cut-off date, but became eligible later, would lose the right to apply for a voucher.
9. In the Government's view the Committee's recommendations do not constitute a workable package. They would lead to 6,000 more people being admitted for settlement from the Indian sub-continent in the next two years. Their long term effect is difficult to predict, but the Government thinks it more likely than not that they would add to what would otherwise have been the flow of immigrants from the Indian sub-continent. The Committee considers that this would be offset by a fall in other kinds of immigration because of the continuing downward trend in the settlement figures since the Government took office. Whether it would be offset or not is a matter for conjecture; but the Government considers it important to try to maintain the current downward trend, and does not accept that it means there is scope for trebling the quota for UKPH from India.
10. The Government has taken particular note of the Committee's recommendation on dependants. In the interests of family unity it has decided that children aged under 25 who would be able to qualify for a voucher in their own right should in future be admitted with the voucher holder. It is estimated that this could lead to an increase of between 50-100 a year in the number of UKPH admitted for settlement.



## ANNEX

## OBSERVATIONS ON THE COMMITTEE'S CONCLUSIONS AND RECOMMENDATIONS

## INFORMATION ON IMMIGRATION

- (1) Subject to the annual publication of the Home Office information exercise, a register of dependants should not be established (paragraph 14).

As the Committee has pointed out, the Government has not yet brought forward firm proposals for the establishment of a register (which would require legislation) because priority has had to be given to changes in nationality law and in the immigration rules. The Government has indicated in the past that it foresees no early opportunity for legislation on the subject. It has meanwhile taken other measures to establish the scale and pattern of future immigration and thus fulfil the main purpose of a register. It has set up a new exercise for the collation of additional information from entry clearance applications, and the results of the first year of this exercise were published in Statistical Bulletin 5/1982 and are described in the Committee's report. The new exercise is likely to prove a valuable addition to our understanding of the future immigration commitment and the Government accepts the general conclusion of the Committee that it will after several years produce better information than any that a register could provide. The Government is now committed to continue the information exercise and the figures for 1982 and for subsequent years will be published in due course. In the light of this encouraging development, the Government has now concluded that there is no need to establish a register which would provide less useful information at a much higher cost. It therefore accepts the Committee's recommendation that a register of dependants should not be established.



## TRENDS IN IMMIGRATION

(2) The main remaining area of primary immigration by adult males is removal of time limit by reason of employment. Only 5.1 per cent - a tiny proportion - of work permit holders admitted in 1980 were from the Sub-continent (paragraphs 15 and 16).

The term "primary immigration" can be defined in more than one way but on the assumption that the Committee is thinking primarily of work permit holders and those with a United Kingdom born grandparent rather than, for example, special voucher holders, the Government would agree with this conclusion. The proportion is in fact even smaller than the Committee has suggested: the figure of 5.1% is for work permits issued in 1980; that for work permit holders admitted was 4.7% in 1980 and 4.3% in 1981.

(3) In the long term an increasing proportion of wives granted entry clearance in the Sub-continent will be women married to men settled here after four years of approved employment, and most will not have children. The actual numbers will decline (paragraph 19).

This conclusion is based upon the implicit assumption that the "second generation" effect (that is, the tendency for Asian men born in this country to look for wives abroad) is likely to be small. If that assumption is correct - and of that no-one can at present be certain - it would follow that an increasing proportion of wives would be married to work permit holders granted settlement after four years of approved employment. Since most work permit holders are adults, it cannot, however, be said for certain that "most of the wives will not have children" when they enter the United Kingdom let alone later. Many work permit holders may already be married at the time they enter the United Kingdom, and have families in the sub-Continent. There is no doubt, however, that if present policies continue the actual numbers of work permit holders, and hence their dependents, will decline.



(4) The overall trend [of dependants granted entry clearance] is one strongly in decline, and will fall sharply after the clearance of the queues (paragraphs 22 and 26).

The Government agrees that the overall trend is one strongly in decline. The concept of the "clearance of the queues" may, however, be misleading. Given the nature of the entry clearance process, with the need often to seek further information before a decision can be taken, there will always be some people who have to wait while their application is processed. It may be more realistic to think of the queues reducing to a very low level at which most applicants have to wait for no more than two or three months for a decision. In referring to the "clearance of the queues", the Committee may perhaps have in mind the end of any significant waiting time to first interview, which is a more feasible proposition.

(5) The decline of immigration by wives in finite categories will accelerate the decline of application by children. An increasing proportion will have no children (paragraph 26).

The first part of this conclusion is true, but the second may not be if wives of men who used to be work permit holders become an increasing proportion of wives granted entry clearance (see the observations on conclusion (3)).

(6) The Home Office should in its information exercise comprehensively collate information on the proportion of female fiancées engaged to men settled here before 1st January 1973 (paragraph 28).

The Committee has pointed out that for a high proportion of wives who have entered the country as fiancées and subsequently been granted settlement on removal of time limit we do not know the date of the husband's first entry to the United Kingdom; and this makes it difficult to estimate accurately what proportion of fiancées were married to men settled here before 1st January 1973 and hence to predict the likely



future pattern of immigration in the fiancée category. In fact, for more than a third of the wives that were granted settlement on removal of time limit in 1981, we have no records of the date of the husband's entry because this information is not required for the purpose of granting settlement and the Home Office information exercise has until now been limited to the collation of information that happens to be already available on the papers.

Despite the absence of this information in a third of the cases, it is nevertheless possible to estimate the proportion of female fiancées in 1981 married to men settled before 1st January 1973 by making the reasonable assumption that the entry pattern of men whose wives were granted settlement on removal of time limit in 1981 after marriage in this country is similar to the entry pattern of men who were married abroad in 1980 or 1981 and whose wives were granted immediate settlement on arriving in this country. In all cases of immediate settlement, the date of the husband's entry to the United Kingdom is known from the record of the wife's entry clearance interview. If such an assumption were made, Table 8 of Statistical Bulletin 5/1982 would appear as follows :-

Wives granted settlement on removal of time Limit <sup>(1)</sup>

Indian sub continent 1981		Number of wives		
Year of entry to UK of spouse	Bangladesh	India	Pakistan	Total
Before 1963	-	60	130	190
1963-67	-	160	300	450
1968-72	10	320	610	940
1973 or later	10	700	280	990
UK born	-	130	40	180
Not recorded	-	10	40	50
Total	20	1,380	1,400	2,800

(1) Including wives granted patriality certificates.

Nevertheless, the Government accepts that the information exercise should be as



comprehensive as possible and where information for the date of the husband's entry does not exist it will be sought from wives applying for settlement on removal of time limit in future. Since, however the information is not required for a grant of settlement, no-one can be obliged to provide it, and the extent of the information received will therefore depend very much upon the voluntary co-operation of applicants.

(7) The Home Office should commission research on the extent to which men of Asian origin born here are marrying in this country, since this is of some importance in foreseeing long-term trends in immigration (paragraph 31).

The Government recognises the importance of establishing the likely extent of future immigration and is actively examining ways of obtaining the necessary information by research into existing sources, without the need for enquiries or special surveys.

#### ENTRY CLEARANCE

(8) If the present rates of fall in queue lengths are maintained there will be no queue in Pakistan by around the end of 1982, in Bangladesh by the middle of 1984 and in India by the middle of 1985 (paragraph 36).

As has been pointed out in response to conclusion (4), it is unrealistic to think in terms of no queues at all. Even if the current underlying trend were maintained, it is not in the Government's view possible to make any firm predictions about the timing of the virtual disappearance of the queues or, more realistically, of waiting times to first interview. It is, for example, already clear that the Committee's prediction of an end to the queue in Pakistan is premature. The Committee has assumed a constant rate of decline, but this is not certain. As the queues shorten, so the proportion of re-applications in the queue may become greater, and since these



take on average longer to process (as they often result in refusals) than first applications, the rate of processing applications may decline even though staff resources and efficiency remain constant.

(9) The Control of Immigration statistics should isolate the number of people in the queues awaiting their first interviews (paragraph 37).

The Government recognises the possible importance of this additional information and has carefully considered the practicalities of its collection. As a result, the Government proposes to start collecting it, on an experimental basis, from the beginning of 1983.

(10) Most applicants wait less than seven months for their first interviews. It is essential that the Government should not, after the clearance of the queues, allow a high level of delays to recur (paragraph 41).

The Committee has rightly drawn attention to the considerable reductions in overall waiting times for first interview that have been achieved in the last three years;



and to the high proportion of applicants who are seen more quickly in one of the priority categories. The Government welcomes this and hopes the trend will continue; it has no wish to return to the long waiting times of earlier years. Waiting times are, however, a product of the number of applicants to be seen and the resources that can be provided to process applications. Further comments on this point are contained in the observations on recommendations (44) and (45).

(11) Applicants do undoubtedly face problems in proving their relationships. ECOs and their seniors recognise this (paragraphs 48 and 49).

The Government welcomes the comments made by the Committee on the manner in which ECOs and those who supervise them carry out their work. It is to be hoped that these comments will encourage applicants to approach entry clearance issuing posts with full confidence that their applications will be fairly dealt with. Allegations of unfairness and of prejudice made against ECOs, in addition to being an injustice to ECOs themselves, help to confuse and mislead applicants, to their disadvantage.

(12) We commend the UKIAS research project to ECOs not because their attitude is wrong, but to improve further their ability to appreciate the difficulties of applicants (paragraph 49).

It is expected of all Diplomatic Service staff that they should seek to familiarise themselves with the customs and culture of the country in which they are serving, by reading, travel and meeting local people. Consistent with this, the report of the UKIAS research project is now shown to all new ECOs in Dacca for background



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reading as part of their initial training. The evidence on individual cases provided by the project is being considered as new applications on those cases are made. The Government's general impression of this aspect of the project report is that some of the claims made for it may prove to be inflated.

(13) ECOs must assess the importance not of resolving conflicting evidence but of the implications of its existence. Their decision will inevitably cause controversy and - understandably - will at least occasionally be wrong. Some eligible people may therefore be kept out, but equally some who are not eligible will slip through the net. Neither result is the objective of those operating the system (paragraph 50).

The Government fully endorses these comments.

(14) ECOs should not refuse a whole family because they are suspicious of one member: a split decision is the right one (paragraph 53).

This recommendation is accepted and represents the current practice. Split decisions are taken when the ECO is satisfied of the bona fides of certain applicants. Entry clearance cannot, however, be granted to applicants in a false identity.

(15) All sponsors of people in the main queues should be advised that their presence at the interview, although not mandatory, would be helpful (paragraph 53).

It is already the practice to invite sponsors who are in the country at the time to attend the interview. Invitations to interview are sent out three months in advance, and posts are willing to include with the invitation a note to the effect that, whilst it is not a requirement for the sponsor to be present, it could be helpful to the applicant if he is in the country that he should attend at the same time. It will



not normally be possible, however, to change the date of interview to accommodate a sponsor. Experience has shown that, however specifically worded, such advice is often misunderstood as a requirement (with consequent complaints from sponsors' representatives and MPs) and the practice might have to be changed if this proved to be the case. ECOs have no authority to give an assurance that there will be no prosecution for tax fraud. They can only say that they know of no instances of prosecution following a confession to an ECO.

(16) The FCO should sponsor a second UKIAS representative in Sylhet with proper clerical support for the sole purpose of advising applicants on filling in forms and on the acceptability of any documentation they have (paragraph 57).

The FCO recognises the useful work being done by the UKIAS representative attached to the Bangladesh Immigrants Advisory Service (BIAS) in Sylhet, who is largely funded by a Grant in Aid from the FCO. This grant was agreed in order to provide a representative to fulfil the functions for which the Committee recommends a second representative should now be provided. The problem would appear to be that UKIAS ask the representative to spend a good proportion of his time on work related to appeals (which involves outside visits) and which concerns UKIAS's work in this country. An increase in the FCO grant would not therefore be appropriate. Financial procedures do not permit (as the Committee recommends in paragraph 135) the FCO to transfer savings from an FCO staff post to supplement the grant to UKIAS.

(17) Field visits add greatly to the accuracy of the entry clearance procedures. More should be undertaken (paragraph 59).

The Government shares the view of the Committee on the usefulness of field visits,



both to help determine particular cases and to help familiarise ECOs with the background and circumstances of applicants. ECOs already set aside for enquiries in the field those cases where this is desirable and will continue to do so. Visits are, however, costly in time and resources and, although some increase in their frequency may be possible, the particular circumstances of a case must continue to be the criteria for undertaking such enquiries, which cannot become the norm. The Government does not think it would be right to amend the guidelines under which ECOs work to enable them to question young children or to carry out a minute examination of the contents of private homes in the way the UKIAS team claim to have done. Nor does the Government accept that the UKIAS approach, under which applicants are led to expect a visit, necessarily leads to a sounder conclusion.

(18) The Home Office should interview sponsors within three months of a case being deferred (paragraph 60).

(19) The Home Office should deal with cases referred to it for decision within three months (paragraph 61).

By their nature, both referred and deferred entry clearance applications often require the Home Office to arrange to interview a sponsor in the United Kingdom or to seek information from a third party such as the Department of Health and Social Security or the Inland Revenue. There will inevitably be cases which are delayed, perhaps because of difficulty in contacting a sponsor initially or the failure of a sponsor to attend an interview once arranged. Medical reports take time to be prepared and submitted to the Home Office. Some cases are highly complex and require more than one avenue of investigation; and as the Committee recognises, some ports do not have the capacity to carry out interviews with sponsors during the summer months. For all these reasons, it would be impossible to accept a fixed time limit for bringing



these cases to a conclusion. The Home Office is nevertheless conscious of the need to reduce the time taken in handling such cases and is currently considering a number of proposals which, while they may not overcome some of the major obstacles, such as the problem of immigration service resources in the summer months, should help reduce delays.

(20) Adjudicators should not put pressure on UKIAS to accelerate the hearing of appeals (paragraph 62).

In the last year there has been a marked reduction in delays in hearing appeals. Explanatory statements are now prepared within three months at all posts and the appellate authorities have reduced greatly the delays in hearing appeals, particularly in London.

The Government is anxious to maintain this improvement, which is clearly in the interests of appellants seeking to come to the United Kingdom from abroad.

The general practice of the appellate authorities, when they receive explanatory statements relating to an appeal against the decision of an entry clearance officer is to ask the sponsor or his representative to notify them when he is ready to proceed. He is told that the hearing will be set down if notification of readiness is not received within six months. This procedure is intended to reduce the number of adjourned appeals, which are wasteful of hearing-room time and mean that other appeals are delayed. Six months does not seem to be <sup>an</sup> unreasonable time for preparation but problems can, of course, arise if a sponsor does not approach UKIAS until the six months period has almost expired. Although there is a clear need to make the best use of the hearing facilities available, adjudicators are not unreceptive to the



problems which may face UKIAS. Where there has been special difficulty in certain areas, they have adjourned appeals at the request of the Service.

(21) The Home Office should consider whether extra resources should be made available to UKIAS in the short-term (paragraph 62).

UKIAS receives a grant in aid from the Home Office. This has been increased from £533,000 in 1980/81 to £652,000 in 1981/82, and the provision for 1982/83 is £721,000. These increases are exceptionally generous compared with the level of increases generally in the public sector. They have been made at a time of financial stringency because the Government recognised the particular difficulties faced by UKIAS and the value of the service it provides. The Government cannot offer to make extra provision over and above that already given.

(22) Too little information on the interview is made available to the appellants' representatives (paragraph 64).

(23) The FCO should conduct a further tape-recording experiment. In the meantime all appeal statements should include notes by the ECO of each question and answer (paragraph 65).

The earlier experiment was carefully conducted and the Government feels that the Committee <sup>has</sup> under-estimated the practical difficulties in local conditions of recording all entry clearance interviews, for possible use if an appeal is lodged. The procedure would, moreover, be likely to disconcert applicants. These doubts are shared by the appellate authorities. The recommendation is, however, accepted and a further experiment will be conducted using equipment that has recently been developed. The interim recommendation would amount to providing a complete written transcript of the



interview, which consists entirely of questions and answers. To do so would require considerable additional resources and generally delay entry clearance procedures. ECOs are already under instruction to provide a balanced record of the answers relevant to the decision taken. The guidance to ECOs on the preparation of appeal statements will, however, be reviewed in an endeavour to meet the points on which the Committee has expressed its concern.

(24) Adjudicators should come to their conclusions on the basis of the balance of probabilities even if they consider a discrepancy has not been resolved (paragraph 66)

An adjudicator is independent and classed as a Tribunal under the provisions of section 12 of the Tribunal and Inquiries Act 1971. Since the appeals system was introduced, adjudicators have consistently applied the civil standard of proof based on the balance of probabilities, and the Immigration Appeal Tribunal has been vigilant in upholding this as the appropriate standard in appeals to it from adjudicators' decisions. It is not always possible to resolve discrepancies during hearings; but the weight given to any unresolved discrepancy by an adjudicator will depend on the nature of that discrepancy. A number of appeals are allowed in which discrepancies have not been resolved.

(25) In appointing adjudicators the Home Office should take account of the value of recent experience of the Sub-continent (paragraph 66).

The report of the Committee On Immigration Appeals (Cmnd 3387) suggested that the primary qualification for appointment as an adjudicator should be the ability to conduct hearings impartially and in a judicial spirit, with due regard both to the



law and policy which it is his duty to apply and to the right of an appellant to full consideration of his case. Due consideration is given to these factors and to the background and experience of applicants for the appointment of adjudicator. The Government accepts that some experience of the Indian sub-Continent is a relevant factor in the appointment of adjudicators, providing that the applicant is otherwise suitable. It is considering whether it might be possible to send one or two full-time adjudicators on a fact-finding visit to the sub-Continent. If this could be arranged, their subsequent report could be made available to other adjudicators.

(26) The majority of UKPHs who wish to settle here are already in the queue. Many others have settled permanently in India (paragraphs 81 and 82).

There is no firm evidence on what the future intentions of UKPH in India might be. The Committee's conclusion appears to be based on its estimate that in the 12 years ending in 1994, if present trends are maintained, rather less than 18,000 UKPH will be admitted for settlement in the United Kingdom. These calculations show how many people might be accepted for settlement by 1994; they are not "evidence which strongly supports our view that there are in India at most 18,000 UKPH who wish to settle here" as stated in paragraph 81 of the report. This depends on future intentions, which must remain a matter of speculation.

The Government considers it unsafe to assume, as the Committee <sup>does,</sup> that present trends will continue until 1994, and thereafter that no new applicants will come forward. Whatever the present views of UKPH may be (and the Government would not regard the evidence available to the Committee as being conclusive on that point) their future actions may be affected by a range of factors, economic, political and social, which cannot be predicted at all reliably. Changes in the way in which the voucher scheme is operated (see the observations on recommendation (33)) could



be expected to also/lead to more UKPH applying for vouchers.

(27) Under 10,000 UKPHs in the queue will come to this country, and the rate of applications is likely, in practice, to continue to decline (paragraph 84).

The estimate of under 10,000 relates to applicants who are in the queue at the moment, and assumes that the proportion of applicants who refuse a voucher when it is offered (at present 20%) will remain the same in future years, but that the average number of dependants accompanying each voucher holder will decline.

What matters, however, is the total future commitment, which will depend not only on the numbers now in the queue, but on the numbers of new applicants who come forward in future years. For the reasons given in the observations on conclusion (26), the Government does not consider that it is possible to predict this with any certainty.

(28) UKPHs are in India because they have suffered pressures in East Africa at their most extreme (paragraph 88).

(29) In the long term public apprehension and immigration numbers would be reduced - by over 1,000 a year - by the absence of a UKPH queue in India (paragraph 94).

(30) The clearance of the queue should be accelerated (paragraph 96).

The Government believes that public apprehension would be exacerbated, not reduced, if the number of vouchers available in India were increased. The voucher scheme was introduced so that UKPH and their families - primarily those under pressure in East Africa - could be admitted at a controlled rate compatible with the capacity of the host society to absorb new immigrants. This remains the object of the scheme. The Government sees no reason to increase the number of vouchers available to UKPH in India who are not, and never have been, under individual pressure there.



The Government does not accept that immigration would be reduced by over 1,000 a year if there were no queue. The Committee's calculations are based on an erroneous assumption that if there were no queue every person issued with a voucher would be a single person with no dependants. Even allowing that some applicants marry while they are waiting in the queue who might otherwise have come as single men, the Committee overlooks the fact that many such men could be expected to marry wives in India, and these wives and their children would be eligible to join their husbands here. The removal of applications by children who failed the dependency test would not reduce numbers because the Committee envisages that such children would still be admitted as 'dependants'.

(31) UKPHs are "en route" to this country or have determined to settle in India. The pressures on them are lifted by coming here or taking up Indian citizenship (paragraph 96).

(32) The real level of applications, excluding failed dependants, is now under 300. The announcement of a cut-off date is unlikely to lead to a substantial increase in the rate of applications (paragraph 100).

(33) A cut-off date should be announced provided it is accompanied by a commitment to clear the queue more quickly. Thereafter UKPHs in India should be dealt with on the same basis as UKPHs in other countries outside East Africa (paragraph 101).

(34) We do not recommend a date by which all applications must be received and shortly after which all would be admitted. Rather, the Government should not accept applications on the present basis from UKPHs in India after the end of 1987 (paragraph 103).

For the reasons given in the observations on conclusion (26), the Government thinks it unsafe to assume that most UKPH who might wish to settle in the United Kingdom



are already in the queue. In its view, it is likely that a decision to announce a cut-off date for applications would prompt many UKPH who are at present well settled in India to apply for a voucher before they lost their entitlement. Although the effect of such an announcement is impossible to quantify, it could result in a substantial increase in the number of new applicants. A cut-off date would also lead to difficulties for applicants who would become eligible for vouchers on present criteria after 1987, or who did not know of the cut-off date, or who simply failed to apply. It would not be enough that they should be free to take up Indian citizenship; they would have to be required to remain in India, or to return there, rather than coming to the United Kingdom.

(35) For 1983 and 1984 only an extra 1,200 vouchers should be issued each year in India. Presuming 20 per cent withdrawals, all those in the queue at present would be admitted by 1985 (paragraph 105).

As explained in paragraph 9 of the White Paper, the Government thinks it would be wrong to issue an additional 1,200 vouchers in 1983 and 1984, which would mean accepting about 3,000 additional entrants from India in each of those years.

(36) Our package is fair to UKPHs and to public opinion in this country without in any respect unreasonably affecting the rights of UKPHs in India. It would not lead to a net rise in immigration figures (paragraph 106).

Whether an additional 6,000 acceptances for settlement in the next two years would be offset by reduced immigration of other kinds is uncertain.

There would in any event be a substantial addition to what the settlement figures would otherwise have been. The Government considers that the present quota makes



fair provision for UKPH in India, who are in their country of ethnic origin, not under individual pressure to leave and can acquire Indian citizenship if they wish.

(37) Any son or daughter under 25 at the time of the issue of a voucher should, if on the original application, be regarded as fully dependent. This will accelerate the clearance of the queue (paragraphs 118 and 132).

The Government has given particularly careful consideration to the Committee's comments on dependants. As the Committee recognises, the existing arrangements are generous in allowing children to be admitted as dependants up to the age of 25. The Government acknowledges, however, that this in itself leads to some anomalies when children have to wait for a voucher at an age when they are likely to wish to seek work and marry. The Government is also anxious as far as possible to avoid splitting families.

The Government could not accept any proposals which increased the number of people eligible to come under the voucher scheme. As the Committee's recommendation stands, it would appear - despite what is said in paragraph 130 - to have that effect. The Committee seems to intend that non-UKPH children who are no longer dependent, and married UKPH girls, neither of whom could qualify for vouchers in their own right, should be accepted as 'dependants'. The Government acknowledges a special responsibility towards UKPH and their dependants. But it does not consider that there is any reason of principle for admitting non-UKPH children, where those children are not dependent. Similarly, it cannot accept that daughters of UKPH who have married should be admitted to the United Kingdom.

The Government does, however, accept that there is a case for facilitating the entry of UKPH children who are no longer dependent, where those children would qualify for vouchers in their own right. It considers it would be desirable to allow such children to be admitted at the same time as the voucher holder (provided they were listed as dependants in his application) in order to avoid the splitting up of



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families. This could be achieved by giving such children priority in the issue of vouchers over other applicants. The Government thinks it right, however, not to put other applicants at a disadvantage and it is anxious to be as helpful as possible to families.

The Government has therefore decided to accept the Committee's recommendation, in so far as it relates to children who would be able to qualify for a voucher in their own right. This will mean an increase of between 50 and 100 in the number of people admitted from India for settlement under the scheme each year.

(38) Panel doctors should be retained in major UKPH centres, and applicants should be free to use these or a panel doctor in Bombay (paragraph 122).

Arrangements are being made for the appointment of doctors at additional centres to carry out intermediate examinations. But it is preferable that the principal examination should be by a doctor on the panel in Bombay in whom the Deputy High Commission have full confidence.

(39) The Deputy High Commission in Bombay should cultivate the contacts established during our visit with UKPH organisations (paragraph 123).

The Government accepts this recommendation.

(40) At the beginning of each year applicants in the queue should be notified of the date of application of those then being issued with vouchers (paragraph 124).

Clerical resources do not permit this. Nor does the Government consider it



desirable, since applicants may draw mistaken conclusions about the likely date of their own interview that could lead them to make arrangements which cannot be fulfilled. The Deputy High Commission will, however, as a feature of their closer contact with UKPH organisations, let those organisations know on a regular basis how movement through the queue is progressing.

(41) The Deputy High Commission should hold annual "surgeries" in each of the major UKPH centres (paragraph 125).

These will be tried out on an experimental basis. Continuation will depend on the response received.

(42) The problems faced by UKPHs as visitors is another reason to clear the queue more quickly (paragraph 127).

The Government acknowledges that there can be difficulties in ascertaining that UKPH who have applied for vouchers intend to return to India to wait for them after temporary periods in the United Kingdom as visitors. Early clearance of the queue would offer a solution, but for the reasons given above the Government does not consider this realistic. Entry clearance officers have been advised that they should not be unduly distrustful of the intentions of a UKPH who seeks entry to the United Kingdom for a visit only, but naturally the fact that a voucher has been applied for is a point they must take into account.

(43) Not one of our recommendations on UKPHs will result in the admittance of a single person not at present eligible to come (paragraph 130).

The Committee's proposals in recommendation (37) for children aged 18 to 25 would allow children to come who would not otherwise be eligible. As explained in the reply,



the Government could not accept that aspect of the recommendation, but they have accepted the recommendation as it applies to children who would be eligible for a voucher in their own right.

The announcement of a cut-off date after which UKPH in India would in practice be unable to obtain vouchers would not make more people eligible for vouchers. It is, however, the effect on the number who choose to apply for vouchers which the Government has to consider.

(44) When ECOs become surplus in Pakistan they should be redistributed, to Bombay and then to Dacca, to implement our recommendations. One should be withdrawn to balance the cost of the extra UKIAS representative in Sylhet. Our main recommendations could therefore be implemented without any increase in spending (paragraph 135).

(45) Reductions in staffing should not be made too soon, as has been the case in New Delhi; they should be made only if all applicants in a post wait a maximum of three months for their first interview. Thereafter that waiting time should be maintained by the addition or subtraction of staff as necessary (paragraph 136).

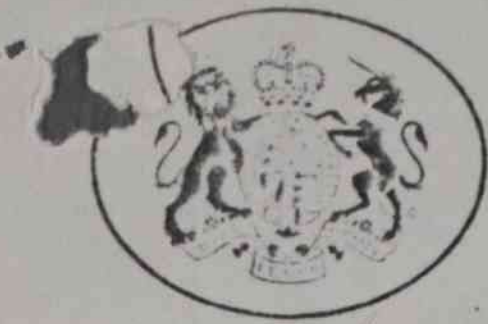
The Government welcomes the progress that has been made in reducing both the queues and waiting times in the sub-Continent and will continue to provide posts with the best resources that can be made available to meet the demands made upon them. In its comments on past deployments, the Committee has perhaps not taken fully into account the efforts that have been made to keep entry clearance staffs in the sub-Continent at adequate strength during a period when the size of the Diplomatic Service has by Government policy been contracting. The staff in Islamabad was kept



at a very high level until there was a clear downward trend in demand. Dacca has been shielded from any cuts at all. The decision to remove an ECO from New Delhi (which the Committee strongly criticises) was a particularly difficult one. Although it was decided early in 1980 that the post must be given up, it was not cut until the end of 1981. An additional ECO was given to Bombay, which was in greater difficulty than New Delhi, in 1980. There has been flexibility in providing short-term additional support when required, such as to Dacca in 1978/79 and to Bombay early this year.

For the future, the Government will try to keep staff at a level that should enable a continuing reduction in queues and waiting times. If, as the Committee recommends, staff are not to be redeployed until the maximum waiting time is three months, it will not be possible to release staff from Islamabad as quickly as the Committee envisages. The observations on recommendation (16) have explained that it would not in any case be possible to use the saving of an ECO post to fund an additional UKIAS representative in Sylhet. Changes in the immigration rules may result in the recent downward trend in applications being reversed, and so waiting times may stabilise or even increase unless increased resources are provided. A close watch will, however, continue to be kept on the situation so that the resources that can be provided continue to be used to best effect.





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Pure Minutes

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SECRETARY OF STATE FOR THE HOME DEPARTMENT

Home Affairs Committee of the House of  
Commons: Report on Immigration from the  
Indian Sub-Continent

1. Thank you for your minute of 30 September.
2. I welcome your decision on the register of dependants. Although the proposal to establish a register has not caused the alarm in the sub-continent that one might have expected, it could not be compiled without substantial use of resources and the unsettling of families there who are still waiting to come to this country. I agree that we should now recognise its impracticability and delete it from our programme.
3. I should have liked (for the reasons given in Douglas Hurd's letter to Tim Raison of 16 August) to accept the Committee's recommendation for expediting the admission of United Kingdom Passport Holders (UKPH) in India. The Committee's proposal seems to me to provide a sensible basis for resolving this problem. I accept however your judgement that this would not form an acceptable package with the proposed revision of the Immigration Rules. I welcome your proposed response to recommendation 37 in regard to the admission of dependants of UKPH. This will have little practical effect on the number of admissions but will ease our task in the administration of the scheme by facilitating the admission of family members at the same time.

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4. Our departments have, as you said, worked together on the draft response and I agree the text that you propose.
5. I am copying this minute to the Prime Minister, all members of 'H' Committee and Sir Robert Armstrong.

*FP*

(FRANCIS PYM)

Foreign and Commonwealth Office

12 October 1982

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HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

25 November 1982

Dear Tim

Dr  
25/11

... The Home Secretary thought the Prime Minister would be interested to see the enclosed copy of the Government's reply to the Home Affairs Committee's Report on Immigration from the Indian Sub-Continent which is to be published today.

I am sending copies of this letter to the Private Secretaries of all members of the Cabinet, the Attorney General and Sir Robert Armstrong.

Yours sincerely  
Karin

KARIN R. FISHER  
Assistant Private Secretary

T. Flesher, Esq.





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