

Immigration
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CONFIDENTIAL

PRIME MINISTER

Parliamentary Affairs: Immigration Rules

BACKGROUND

The Home Secretary intends to seek the agreement of the Cabinet to his laying before Parliament a revised Statement of Changes in Immigration Rules, based on the proposals set out in the White Paper published on 25th October last year rather than on the modified proposals incorporated in the Statement of Changes disapproved by the House of Commons on 16th December. Subsequent consultations with those Government supporters who voted against the Statement on that occasion have shown that if there is a vote on the revised Statement, it is unlikely that the Government will be able to secure a majority unless the official Opposition abstain; Mr Hattersley has already indicated informally that the Labour Party would not vote against changes based strictly on the White Paper.

2. The need for revised Immigration Rules arose from the replacement of the citizenship of the United Kingdom and Colonies (referred to in the previous Rules) by the three new citizenships introduced by the British Nationality Act, which came into effect on 1st January. The original White Paper proposed that, subject to certain safeguards, all British citizen women as defined in the new Act (and not just those born here, or with one parent born here, as under the previous Rules) should have the right to be joined in this country by their husbands or fiancés.

3. The White Paper was debated on 11th November on a take note motion. An Opposition amendment referring to the "racially and sexually discriminatory principles of the British Nationality Act 1981" was defeated by 81 votes, but although only four votes were cast against the motion itself, some 50 Conservative Members joined the Opposition parties in abstaining.

4. In an attempt to meet the anxieties of at least some of the dissenting Government supporters, you agreed with the Home Secretary that the Statement of Changes laid on 6th December should

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include further safeguards against abuse through marriages of convenience. Nevertheless, at the end of the subsequent debate on 15th-16th December on Mr Jenkins's motion to disapprove the Statement, a number of Government supporters voted with the Opposition parties (though for diametrically opposed reasons) and the motion was carried by 290 votes to 272.

5. The present position is that new Immigration Rules incorporating the changes disapproved on 16th December came into effect on 1st January; but under the Immigration Act 1971 the Home Secretary is required "to make such changes or further changes in the rules as appear to him to be required by the circumstances" and to lay a Statement of those changes within 40 sitting days of the passing of the motion to disapprove.

HANDLING

6. After the Home Secretary has explained the position reached, the Chief Whip will wish to give his assessment of the prospects for defeating any motion to disapprove revised Rules based on the White Paper proposals. Can the official Opposition be relied upon to abstain? Is there a risk that a significant number of backbench Labour Members might mount an ambush? What will be the attitude of the minority parties? The Lord Privy Seal can comment on the chances of any motion to disapprove commanding substantial support (for whatever reason) in the House of Lords.

CONCLUSION

7. Subject to the course of the discussion, the Cabinet might invite the Home Secretary to lay a revised Statement of Changes in Immigration Rules on the lines proposed in the White Paper.



Robert Armstrong

26th January 1983



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Dear Sir,

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9/2

9 February 1983

The Home Secretary thought the Prime Minister would be interested to see the enclosed copy of the Statement of Changes in Immigration Rules which is to be published at 3.30 p.m. today.

...
Filed
on front
flap

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

Yours sincerely
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MRS. K. PAPPAS
Assistant Private Secretary

T. Flesher, Esq.



10 DOWNING STREET

From the Principal Private Secretary

Prime Minister

The Home Secretary is likely to raise the subject of the Immigration Rules with you on Monday — probably at the 12.15 meeting — before circulating a paper for Thursday's Cabinet.

The betting is that he will propose reverting to the White Paper proposals and rely on the Opposition's abstention.

FEBB

21.1.

From: THE PRIVATE SECRETARY

Immigration



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

6 December 1982

Dear Tim

file

Dr 6/12

The Home Secretary thought the Prime Minister would be interested to see the enclosed copy of the Statement on changes in Immigration Rules which is published to-day.

*filed on -
small -
front cover
of file.*

I am sending copies of this letter to the private secretaries of all Members of the Cabinet.

yours sincerely

Janice E Fairbairn

MISS J. E. FAIRBAIRN

T. Flesher, Esq.