Home Office

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June 26, 1985.

SELECT COMMITTEE IMMIGRATION REPORT WELCOMED BY MINISTER

Mr David Waddington, QC, MP, Minister of State at the Home Office, today (June 26, 1985) welcomed the Report on the working of the Immigration and Nationality Department of the Home Office produced by SCORRI (the Sub-Committee on Race Relations and Immigration of the Home Affairs Select Committee).

Mr Waddington said: "The Report is based on up-to-date and first hand enquiry into the Department's work by the Sub-Committee. It demonstrates our willingness to be open about our operations and the way in which officials have worked to improve performance and standards. It also shows - and indeed says so directly - that much of the criticism which has been levelled at the Immigration and Nationality Department has been misconceived, unjustified or based on outdated evidence. The Sub-Committee have taken a realistic and sensible look at the Department and have recognised the constraints under which it operates. I - and the officials concerned - share their view that we must continue to strive to eliminate bad practice and improve standards of service. It follows that we shall be studying the Sub-Committee's specific recommendations with a view to responding constructively".

FOREIGN POLITICAL ACTIVISTS IN THE UNITED KINGDOM: IMMIGRATION CONTROL

Review by Home Office and Foreign and Commonwealth Office Officials

November 1984

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Introduction

1. This paper reviews the relevant aspects of the present law, policy and practice on immigration (taking account of asylum considerations) as means of handling the problems posed both for domestic and foreign policy of the activities of foreign political activists or refugee dissidents in, or trying to come to, the United Kingdom. It takes as its starting point the minutes, from the Foreign and Commonwealth Secretary to the Home Secretary, and from the latter to the former, of 13 July and 8 August respectively. (These are annexed, A and B, to this paper.) Both Secretaries of State have, in the light of incidents during 1984 involving nationals of Iran, Libya, India and Nigeria, asked officials to consider the need for further action in this area; and the Permanent Under Secretaries of State at the Home Office and the Foreign Office had already instructed Home Office and Foreign Office officials to examine the possible scope for using the instrument of immigration control to tackle the problem of dissidents who abused our hospitality by plotting, or by encouraging or taking part in disturbances.

2. This paper is in three parts. The first describes the origin and basis of the powers available, the limitations on them, and the procedures required to implement them. The second examines policy and practice as it has developed, and assesses the stage which has now been reached. These two parts deal separately with 'exclusion' ie keeping people out of this country (and including removing those who are not lawfully here); 'deportation' - the removal of those who, in law, have been given permission to be here; and refugee and asylum status . The third part explores a range of options for tightening the control. Annex E lists those countries which have

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recently protested about the presence of foreign political activists in the UK in such a way as to affect, or possibly affect, our bilateral relations.

PART I

THE ORIGIN AND NATURE OF CURRENT POWERS AND PROCEDURES

The exclusion of those seeking to enter

3. The Immigration Act 1971, and the Immigration Rules made under it, (1) are generally designed strictly to limit the number of people seeking to settle or to work in this country. People who are coming for temporary purposes, such as visitors or students, have to meet a number of conditions both in order to qualify for entry and, if they wish, for a continued stay. In some cases it may be possible to use these 'routine' powers to limit visits here by foreign political activists. If, for example, there were genuine doubts about whether more than a visit was intended such a person could be refused entry on that ground alone. The person concerned would have a right of appeal either before removal (if he holds an entry clearance) or from abroad.

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(1) The Rules are not subordinate legislation but, under the Immigration Act 1971, they are subject to a procedure akin to the negative resolution procedure associated with some statutory instruments. The Rules describe the practice to be followed by the Secretary of State (in practice the Home Secretary) and immigration officers in implementing the 1971 Act. Under section 19 of the 1971 Act, an appeal against a decision which is not in accordance with the Rules must be allowed. It follows that the Secretary of State and immigration officers in taking decisions on cases covered by the Rules must follow the Rules.

4. However, the main powers on which reliance is currently placed to deal with those who are the focus of this paper are those which enable the Home Secretary to give directions personally to refuse someone entry on the ground that his exclusion is conducive to the public good. There is no appeal to an adjudicator or to the Immigration Appeals Tribunal [2] against such a decision. (These provisions are contained in section 13(5) of the Immigration Act 1971 and paragraph 85 of the Immigration Rules, HC 169.) A refusal on grounds that exclusion is conducive to the public good may also be taken by an immigration officer if it seems right to refuse leave to enter, for example, in the light of the passenger's character, conduct or associations. There is a right of appeal against such a decision by an immigration officer but this right of appeal is only exerciseable in the United Kingdom if the person concerned is the holder of a current entry clearance or work permit. If he does not have such a document the appeal can only be exercised, after removal, from abroad. An application could, however, be made to the Divisional Court for judicial review of such a decision to refuse leave to enter regardless of whether the right of appeal can be exercised in the United Kingdom or only from abroad. An application could also be made to the Divisional Court for judicial review of a refusal of entry pursuant to the Secretary of State's direction.

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(2) Refusal of an application to enter or stay generally attracts a right of appeal. At first instance the appeal is heard by an adjudicator sitting alone. He is appointed by the Home Secretary but is, in his judicial capacity, wholly independent. At the second stage, the Tribunal consists of 3 members. They are appointed by the Lord Chancellor. The appellate authority's decision can be challenged in the higher courts and cases referred to the European Court of Justice in Luxembourg or taken to the European Commission of Human Rights.

Deportation of those already in this country

5. There are related but different provisions governing the deportation from this country of persons who have already been properly admitted here. Essentially there are 3 routes to deportation which are relevant to this review:

(i) on the recommendation of a Court on conviction for an offence punishable with imprisonment;
(ii) for breach of conditions attached to a leave [3];
(iii) because the person's deportation is conducive to the public good.

Most deportations concern people who have been recommended for deportation ((i) above) or who are in breach of the conditions of their leave ((ii) above). These powers of deportation are available to deal with foreign political activists who have transgressed immigration or other laws. An appeal lies to a higher court against the recommendation or the conviction on which the recommendation is based. Deportation for breach of a condition attracts a right of appeal to an adjudicator under section 15 of the Immigration Act 1971. The extent to which deportation on conducive grounds ((iii) above) can be resorted to in the case of foreign political activists is considered further below. Deportation on this ground ordinarily attracts a right of appeal to the Immigration Appeal Tribunal.

6. The appeal procedures are, however, recognised in current legislation as not being appropriate for certain cases which are most likely to be the ones associated with the deportation of foreign

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(3) This is the term to describe a permission to be in the UK.

political activists or dissidents. Section 15(3) of the 1971 Immigration Act removes the right of appeal if the Home Secretary's decision is on the grounds that the deportation is conducive to the public good defined as being in one or more of three interests namely:

(i) national security;
(ii) the relations between the United Kingdom and any other country; and
(iii) other reasons of a political nature.

7. The Immigration Rules paragraph 150 provide that such cases are subject, however, to a non-statutory advisory procedure (4) following a commitment to Parliament by the then Home Secretary during the passage of the Immigration Act 1971. If a person is to be deported on one of the three grounds mentioned above, he is to be informed, of the reasons for the decision, (by virtue of the Immigration (Appeals) (Notices) Regulations 1972). He must also be informed, as far as possible, of the nature of the allegations against him and be given the opportunity to appear before the advisers and to make representations to them. They then give their advice to the Home Secretary who reconsiders his decision in the light of what they say.

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(4) The present advisers, who sit as a tribunal are:

The Hon Mr Justice Lloyd; Sir Patrick Nairne; and Mr David Neve (Chairman of the Immigration Appeals Tribunal). This procedure has been used only once, in the case of Agee and Hosenball.

In addition, in all cases of deportation a person can exercise a right of appeal, after the Home Secretary has signed the Deportation Order, against the country to which it is intended to deport him provided he specifies another country or territory to which he believes he would be admitted.(5) In making the decision to deport, even in cases under the 3 grounds mentioned above, as Paragraph 159 of the Rules requires, the Home Secretary is also bound to take account of a very wide range of personal factors - such as a person's strength of connection with the United Kingdom, his length of residence and any compassionate circumstances. The factors are set out in Paragraph 156 of the Immigration Rules.

The origin of the powers

8. The present powers of exclusion or deportation on conducive grounds essentially preserve provisions which had existed for aliens throughout most of this century. While the power to exclude aliens was unrestricted, express provision for the deportation of aliens as conducive to the public good was certainly present in the Aliens Orders of 1920 and 1953. However two important changes had occurred by the early 1970s which re-shaped the context in which the provisions were exercised. First, such powers were extended

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(5) Paragraph 1 of Schedule 3 to the 1971 Act provides that where a deportation order is in force against any person the Secretary of State may give directions for his removal to a country or territory specified in the directions being either:

(a) a country of which he is a national or citizen;
(b) a country or territory to which there is reason to believe that he will be admitted.

This Schedule gives effect to Section 17(i)(b) of the Immigration Act 1971, which deals with appeals against removal or objection to destination.

to Commonwealth citizens; and, second, Immigration Act powers to exclude and deport were limited by recognition of individual rights which could be tested by a system of appeals.(6) (In part the changes were prompted by controversial cases, eg Soblen, which led to concern about abuse of powers to exclude and to deport over which there was no independent control.)

9. The rationale of the present provisions is that denial of rights of appeal may be justified if:

(a) the evidence on which refusal is based cannot reasonably be made known - the security case; and/or

(b) the reasons for refusal are of such a kind that the appellate authorities cannot reasonably be expected to assess their strength; in other words that they are "reasons of State".

10. The extent of public explanation of the powers and restrictions on normal appeal rights, at the time of the passing of the 1971 Act, went little further than this. No examples were given in debates on the Immigration Bill of either security cases or of decisions "in the interests of ... the relations between the United Kingdom and any other country". Under the first security heading, the Wilson Committee (which made recommendations on an appeal system), identified those coming here for the purpose of sabotage, espionage or other activities on behalf of the intelligence services of another state, although the powers in the Act were clearly not intended to be confined only to those working on behalf of a foreign state. Under the second, foreign policy heading, the Wilson Committee had accepted that a decision, for example, to exclude the exiled opponents of a friendly government was essentially a political one which should ultimately be left to the Secretary of State's discretion and should not be justiciable. The Home Office then had particularly in mind someone

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(6) The Immigration Appeals Act 1969

who was known to be engaged in attempts to overthrow by force the government of a friendly state.

11. In the Parliamentary debates in 1969 and 1971 however some examples were given of 'political' grounds for exclusion. In 1971 the Home Secretary (Mr Maudling) cited as an example that of someone wanting to enter to make 'a speech wholly offensive to a certain section of our public'. The Labour Minister of State, Lord Stonham, had given a similar example during the passage of the Immigration Appeals Bill in 1969. Ministers of both Governments said that the existence of such powers, and restrictions on appeal rights, would not affect, and were not designed to affect, the opportunity for people to apply for political asylum. Outside of such categories Ministers pointed to the exclusion of people with criminal records - "racketeers, Mafia people and drug traffickers".

12. In sum, public explanation of the proposed use of these powers without right of appeal focused not on particular activities but on the argument that the powers should exist, without normal appeal rights, either because of the nature of the evidence or of the reasons for the decision.

Constraints on exclusion and deportation, including asylum status

13. There are a range of legal constraints on the exercise of the powers of exclusion and deportation even where those powers explicitly deny or limit a right of appeal to the independent appellate authorities. Many of these constraints are imposed by our international legal obligations and are of three kinds:

(a) our obligations under the 1951 Convention relating to the Status of Refugees, as extended by the 1967 Protocol relating to the Status of Refugees.

(b) Human rights obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

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(c) our obligation under customary International Law, restated in the Friendly Relations Declaration, not to tolerate subversive terrorist or armed activities directed towards the violent overthrow of the regime of another State.

The Convention relating to the Status of Refugees

14. The British tradition of granting political asylum long pre-dates the 1951 United Nations Convention to which the United Kingdom is a party but that Convention is the present ruling instrument. Under the Convention, and its 1967 Protocol, we are obliged to grant refugee status to anyone who, applying in this country, in the words of the Convention "owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" is outside the country of his nationality and is unable or unwilling to return to it. If he has also come from a safe third country it must also be impossible to return him there (but see paragraph 16). A wide range of factors have to be taken into account in making a judgement about any particular individual application. One of these is bound to be the nature of the relationship between the individual concerned and the regime from which he is attempting to escape. The judgement that has to be made however is primarily about that relationship as relevant to the claim of a well founded fear etc not about the nature of the regime as such or whether it is one which is to a greater or lesser degree inimical to our own principles and traditions.

15. It is relevant to note the circumstances in which foreign political activists, many of whom seek or have successfully sought asylum in this country, might be excluded from the benefit of the Convention or, if refugee status has been granted, subsequently expelled. Article 1(F) of the 1951 Convention says that its provisions should not apply to any person with respect to whom there are serious reasons for considering that:

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(a) he has committed a serious crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

The United Kingdom has had occasion only rarely to invoke these clauses. A restrictive interpretation of them is in accordance with the internationally agreed rules for the interpretation of treaties and accords with the guidance contained in the UNHCR's handbook.(7) Whether or not a person qualifies for refugee status under the Convention depends, among other things, for example, in relation to serious non-political crimes, on the variation in definitions from one country to another on what is both serious, a crime, and most difficult of all, what constitutes 'non-political'; mitigating factors such as the existence of a person's criminal record or not; whether there is evidence that a crime has been committed or whether it is merely alleged that it has been committed, etc.

16. The key provisions of the Convention relevant to the present review are contained in Articles 2, 3, 26, 31, 32 and 33 (text set out in Annex C). Article 2 emphasises that every refugee has duties

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(7) Guidance on the considerations which may have to be applied in considering such applications and interpreting the general provisions of the Convention are set out in the "Handbook of Procedures and Criteria for Determining Refugee Status" published by the Office of the UN High Commissioner for Refugees.

to the country of refuge - in particular to conform to its Laws and Regulations as well as to public order measures. Article 26 accords rights of free movement within the territory, but subject to Regulations applicable to aliens generally. Article 3 requires the Convention to be applied without discrimination as to the race or country of origin of the refugee. These provisions would make it difficult to impose restrictions on the conduct of refugees which were discriminatory by reason of their national origin. Article 32 restricts expulsion of a refugee 'lawfully' in the territory to grounds of national security or public order, and the expulsion requires a decision reached under due process in which the refugee is given rights to submit evidence and to appeal. But whilst in general the Convention does not confer a right to admission and allows deportation based on these limited reasons of national security or public order, there are critical limits on the powers of exclusion and deportation contained in Article 33 ('Refoulment'). This Article provides that a refugee cannot be expelled or returned to a territory 'where his life or freedom would be threatened on account of his race, religion, nationality, membership of a political social group or political opinion'. The only exception to this central prohibition on return to a State constituting a threat (which may in practice be the only one willing to receive him) relates to a refugee reasonably regarded as a danger to the security of the host country or who following conviction of a particularly serious crime constitutes a danger to the community.

17. The European Convention on Human Rights not only contains limitations on arrest and detention (Article 5) and on interferences with the right to respect for family life (Article 8) (under which Agee (see part II below) challenged his deportation before the European Commission of Human Rights), it also confers, under Articles 10 and 11, the rights to freedom of expression and freedom of peaceful assembly and association. The Convention also prohibits, under Article 3, torture and other forms of ill-treatment. Commission jurisprudence shows that an individuals rights vis-a-vis the United Kingdom under Article 3 extend to his not being removed by the

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United Kingdom to a country in which he will suffer such treatment. The Convention (Article 14) requires that these rights are accorded without discrimination on any ground such as political opinion or national origin, but Article 16 provides that these provisions do not prevent Contracting Parties from imposing restrictions on the political activity of aliens. The 1966 International Covenant on Civil and Political Rights contains rights of free movement and limits on the expulsion of aliens in Articles 12 and 13. In addition, Articles 19 and 21 accord rights of freedom of expression and peaceful assembly. The rights under the Covenant are required to be given without discrimination based on political opinion or international origin, and there is no provision in the Covenant parallel to that in the European Convention preserving a general right to impose restrictions on the political activity of aliens. Discriminatory or excessive restrictions could therefore be open to challenge either before the European Commission of Human Rights or before the Human Rights Committee (established under the Covenant).

18. The General Assembly Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States (which on this reflects customary International Law as well as having a considerable status resulting from its adoption by United Nations acclamation) provides

> Also, no State shall organise, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The obligation not to tolerate may be discharged either by exclusion or deportation of subversive activists or conspirators or by controlling their activities under the Criminal Law (a method outside the scope of this paper).

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EC Nationals

19. Under the Treaty of Rome and subsequent Community legislation, an EC national who is here or coming here to exercise the freedom of movement as a worker, as a self-employed person or as a provider or recipient of services (including his or her family regardless of nationality) may only be excluded on grounds of public health, public policy or public security. EC nationals not coming to exercise those rights can be dealt with under the other, normal, parts of the Immigration Rules. Setting aside the public health criterion, an exclusion on public policy grounds has to be justified on the basis that the person's likely conduct constitutes a genuine and serious threat to one of the fundamental interests of society. There is no EC jurisprudence on the meaning to be attached to public security. EC law requires the giving of reasons for an exclusion or deportation decision save where to do so would be contrary to the security of the State. In general, our own appeals arrangements appear to satisfy EC requirements and have not been challenged in this context.

Common Travel Area (CTA)

20. The common travel area comprises the United Kingdom, the Channel Islands, Isle of Man and the Republic of Ireland. Under section 1(3) of the Immigration Act 1971, persons travelling on local journeys within the area are not subject to control, and do not require leave to enter. Section 9(4) of the Act, however, excludes from this provision deportees, those excluded in the interests of national security and those previously refused leave to enter the United Kingdom. The Immigration (Control of Entry through the Republic of Ireland) Order 1972 also excludes from section 1(3) additional categories of people who enter the United Kingdom through the Republic of Ireland. The main categories specified in the Order are those who merely passed through the Republic in transit, persons requiring but not holding visas, persons who entered the Republic unlawfully and persons who are subject to directions given by the Secretary of State for their exclusion from the United Kingdom on the ground that their exclusion is conducive to the public good. Also covered are persons who entered the United Kingdom unlawfully, or remain after their limited leave has expired, and who then seek to re-enter the United Kingdom having travelled to the Republic of Ireland on a local journey.

21. A foreign national who enters the common travel area from abroad by landing in the Republic of Ireland is seen by the authorities there (the Garda) but the landing conditions imposed are not operative in the United Kingdom. If he then comes to the United Kingdom he becomes subject to a standard set of restrictions under the 1972 Order. The restrictions are a time limit of 3 months on his stay in the United Kingdom, coupled with a prohibition on taking employment (unless he is an EC national). If, however, he is a visa national, and the visa is endorsed 'short visit' the time limit is one month and there is a requirement to register with the police.(8)

22. The Irish immigration authorities receive copies of entries in the Home Office Suspect Index (see paragraph 82). The Irish Aliens Order provides for the refusal of admission of a person who "intends to travel" (whether immediately or not) to Great Britain or Northern Ireland and the officer is satisfied that the alien would not qualify for admission to Great Britain or Northern Ireland if he arrived there from a place other than the State.

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(8) Broadly speaking foreign nationals other than EC nationals are required to register with the police if they are admitted for employment for longer than three months, or for other purposes for longer than six months. The requirement does not apply to Commonwealth citizens. A person subject to the requirement needs to register with his local police force within seven days and notify them of any changes of address or residence. There is a fee of £25.

23. Although there is no control on the entry of Irish nationals to the United Kingdom (save under the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1984)(9) they are liable to exclusion pursuant to the Secretary of State's personal direction. With the exception of long-term resident Irish, Irish nationals are also liable to deportation notably following a court recommendation of deportation or on conducive grounds.

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(9) This paper does not deal with this Act, which contains powers to exclude people from Great Britain, Northern Ireland or the United Kingdom as a whole if the Secretary of State is satisfied that they have been involved in terrorism connected with Northern Ireland.

Part II

The Development of Policy in Practice

Exclusion

24. Exclusion powers are used regularly to keep out intelligence agents of hostile (mostly Sovbloc) countries, on the recommendation of the Security Service. Such cases present little practical problem, partly because exclusion is effected abroad by the denial of a visa. But in the last few years there has been increasing use of exclusion powers to prohibit the entry of terrorists (other than in connection with Northern Ireland where, in the main, Prevention of Terrorism Act powers have been used) and, in the last year, particularly, a number of exclusions on other grounds.

25. Examples of terrorist exclusions are:

(a) the 2 sons of the late President Bhutto of Pakistan because of their leadership of the terrorist group Al Zulfiqar (1981);

(b) Bassam Abu Sharif, a senior member of the Popular Front for the Liberation of Palestine, both because he would encourage acts of terrorism while here, and because his presence risked violence against him (1983);

(c) Sabre Al Banna, the head of the Abu Nidal group, intending to come for medical treatment (1984);

The measures have also been used against arms dealers:

(d) Seyed Hosseini, a pro-Khomeini arms and exposives smuggler (1984);

(e) Sayed Bukhari (Pakistani), arms supplier to Qadhafi regime (1984);

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(f) Usama Khalifa, Libyan anti-Qadhafi arms dealer (1984).

26. Examples of exclusions on the grounds of the views expressed by the people concerned, and/or the risk of violence, in this country, associated with the propagation of those views - broadly political exclusions - include:

(a) Osvaldo Destefanis, the Argentinian who attempted to come here to discuss Argentine visit to the Falklands (1982);

(b) Stokely Carmichael (American), on the grounds of the offensiveness of his extreme racialist views and advocacy of violence in support of them (1984);

(c) Martin Galvin, the publicity director of Noraid, who had publicly expressed direct support of the killing of members of the security forces in Northern Ireland (1984); and

(d) Talwinder Singh Parmar, Sikh extremist, on the grounds that his presence could foment violence in inter-communal relations here (1984).

Examples of those who the Foreign and Commonwealth Secretary would prefer to be excluded but whom the Home Secretary has decided not to exclude are:

(e) Akata-Pore, and Atamtugre, two Ghanaians believed to be involved in attempted coups against the Ghanaian Government. They have applied for asylum. Efforts are being made to return them to Nigeria where they spent a short time after escaping from Ghana.

(f) Isiaku Ibrahim, a prominent opponent of the Nigerian regime who is reported to have been plotting against it. There are other Nigerians in this category whom the Foreign and Commonwealth Office would prefer to see kept out.

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27. The basis of policy against which these security, terrorist, or political/extremist cases has been decided by the Home Secretary is the threat the visit of the person concerned could pose for this country while in this country. In recent cases, notably that of the possible exclusion of Isiaku Ibrahim following the Dikko affair, the Foreign and Commonwealth Secretary has argued for exclusion where a person's presence might draw violence to himself, and others, where his activities here are hostile to a friendly government, and where our relations with that government would be severely damaged by a person's presence. The Home Secretary has said that he would not feel justified at present in excluding someone on the ground that such action would be welcome to a foreign government and would therefore improve our relations with them. Such a position would in his view undermine our long tradition of accepting in this country the opponents of foreign governments. Nevertheless, the Home Secretary would be prepared to exclude someone, otherwise qualified for admission, who there was reason to believe intended, while in this country, to plot the overthrow of a foreign government by violent means.

28. In developing the policy for taking such decisions the Home Secretary has been influenced by the need to ensure that the decisions should be capable of being effectively enforced, for example in terms of their domestic political acceptability or of being able to prevent an individual entering to pursue an asylum plea. In general terms and in the light of these considerations, it has been easier to keep out a foreign national who requires a visa rather than one who does not and safer to rely on the Home Secretary's personal certification than to risk appeal.

29. The means of exclusion depend in part on whether the material on which the decision is based is suitable for public disclosure at an appeal hearing. In almost all of the cases of exclusion cited in this report, as well as in many others, there has been sufficient sensitivity in the available information, or in the sources from which it has been obtained, to counsel against

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exclusion by an immigration officer on conducive grounds specified in the Rules that "in the light of the passenger's character, conduct or associations, it is undesirable to give him leave to enter". This power is used sparingly. The commonest circumstances are where the passenger has criminal convictions outside the scope of paragraph 83 of the Immigration Rules (under which someone convicted of an extradition crime is to be refused leave to enter); where he is known to have strong criminal associations; and where, after landing, he is found by Customs to be in possession of drugs. Specific reasons for refusal by this means have to be given, and there is a right of appeal.

30. Conducive exclusion by the Home Secretary presents fewer problems but such exclusion without having to expose reasons may be in the process of being questioned in the Courts. In a case of the recent exclusion of a Libyan, Haghegh,(10) who applied for judicial review of the decision, the Court ruling (which rejected the application for review) indicated that the Home Secretary should in future give reasons save where the exclusion was expressly stated to be on grounds of national security, which the judge defined very widely. An even more careful judgement, therefore, may have to be made in future about the grounds on which an

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(10) Haghegh was a class of case where a person is refused entry but is physically present under what is termed temporary admission. By not giving a person formal leave to land enforcement of departure is more effective. These arrangements are used to great advantage in routine visitor cases; particularly to avoid unnecessary detention. But temporary admission may not be used as a substitute for a decision to grant leave to enter or refuse it. In every case it is necessary to show that enquiries relevant to a decision are continuing.

exclusion decision is taken. If it is thought undesirable to expose reasons, the decision would have to be on national security grounds as such, or the courts would have to be persuaded that the source or nature of the information on which it is based would have to be protected for national security reasons.

31. Deportation is more difficult to effect than exclusion: people who are lawfully here have a range of domestic appeal procedures; international obligations towards them are different; and politically and practically, removal confronts bigger hurdles. Thus while deportation is a normal although controversial feature of the enforcement of immigration control in general, it has, until this year, been invoked rarely in national security, political or foreign relations cases which attract the most attention. The most notorious case, that of Philip Agee and Mark Hosenball, (until this year the only case under the present provisions) exposed fully the benefits and dangers of the extra-statutory advisory procedure, the scope for obtaining judicial and international involvement, the political pressures involved in such cases, and their length.

32. However, during this year there have been a number of examples of cases of the removal of foreign political activists already lawfully in the United Kingdom. They include:

(a) Nasser Zadeh (Iranian) a member of a violent pro-Khomeini group deported on suspicion of being concerned in the preparation of acts of terrorism;

(b) Garbani-Far (Iranian), plus two Algerians and a Moroccan, a pro-Khomeini terrorist cell (successors to Zadeh);

(c) eleven Libyans, either involved in bombings in 1983 or leading pro-Qadhafi activists in the UK, removed in the aftermath of the siege of the Libyan People's Bureau.

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In some cases action has not been taken against foreign agents.

(d) Joe Slovo, a stateless man of Lithuanian origin working with the African National Congress. The Foreign and Commonwealth Secretary asked for his UK travel document not to be renewed, but the Home Secretary was not able to agree.

33. Where removal has been effected in these cases it has reflected:-

(a) a considered judgement of the risk involved if the evidence against those concerned had to be produced in the extra-statutory advisory procedure;

(b) a judgement that as agents or activists on behalf of a regime committed to act against dissident fellow nationals abroad they would not resist being returned to their own country, would not seek asylum here, and would not wish their cases to be exposed in pursuing an extra-statutory right of appeal; and thus

(c) although those concerned were in each case fully informed of the opportunity of extra-statutory appeal, each chose to waive that 'right'.

These factors have not applied to activists opposing foreign governments in part because of the greater chance that they would be able to appeal successfully against any destination nominated for their deportation.

Asylum Status

34. Developments in the refugee/asylum field illustrate well the pressures which have prompted this review, and the delicacy of individual decisions on exclusion and deportation. The number and source of applications for asylum reflects the

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increasing instability of a number of regions of the world, particularly the Middle East and parts of Africa. The numbers have increased dramatically in recent years - individual applications rising from 1550 in 1979 to 4167 in 1982, an increase of 168%. The number dropped to 3568 in 1983 but was, at that level, significantly above the years before 1982. The number of applications granted also rose markedly from 808 (1979) to 2368 (1982), 1407 in (1983). The largest number of applications in recent years have come from Iranians. In 1983, apart from Iranians, the bulk of applications came from Ghanaians, Iraqis, Ugandans, Poles, Ethiopians and Sri Lankans. It is a measure of the shift in the focus of asylum work that in 1983 twice as many applications were received from Ghanaians as from all Eastern European nationals combined.

35. There can be severe practical problems in seeking to avoid an asylum request. For example, simply to have decided to exercise the powers to exclude someone may not prevent his arriving and making an application for asylum. Asylum may have to be granted under the Refugees Convention because it may turn out to be impossible to return someone either to the country from which he claims to be a refugee, or to a third country. This dilemma was exemplified in the case of Abdul Qayam Butt, a leading member of the Pakistan People's Party excluded on the personal certification of the Home Secretary. He had to be admitted because it was impossible to find a third country willing to accept him, and in November 1983 he was granted refugee status here.

36. It is possible, but often difficult, to distinguish between those who would really be persecuted in their own country and those who might either be prosecuted for alleged criminal offences or face political retribution on financial, legal or economic grounds. In explaining Article 1F of the Convention in the Status of Refugees, UNHCR guidance states "a refugee is a victim - or potential victim - of injustice, not a fugitive from justice". The determination as to whether refugee status is appropriate where criminal conduct is alleged should depend on a number of factors, including:

whether the likely punishment is excessive relative to the crime charged;

whether the person has a well founded fear of persecution as well as fearing prosecution; and

whether the criminal law and procedure in the country in question are in conformity with accepted human rights standards.

37. It may be worth giving in more detail an example of the most difficult of such areas, hijacking, where it is arguable whether, if it is committed in order to escape from persecution it constitutes a serious non-political crime or not. (Article 1F of the 1951 Convention is relevant - see paragraph 13.) The difficulty of laying down specific guidance in this area is illustrated in the UNHCR handbook. This notes that the international Conventions on Hijacking and Sabotage invariably give contracting States the alternative of extraditing such people or referring the case to the competent authorities in their own territory for the purpose of prosecution, which implies the right to grant asylum. It adds that while there is thus a possibility of granting asylum the gravity of the persecution of which the offender may have been in fear, and the extent to which such fear is well founded, will have to be duly considered in determining possible refugee status. It concludes by commenting that the possible exclusion from refugee status of an applicant who has committed an unlawful seizure of aircraft will have to be carefully examined in each individual case.

38. It has been decided by the Home Secretary, and reinforced by the Immigration Appeals Tribunal, that a person seeking to plot the assassination of a Head of State was not entitled to asylum (in the case of Ibrahim Ahmed Salah-el-Din, a Sudanese, where the Home Office contention that "the purpose of political asylum was not to provide a convenient haven in which people could plot to overthrow their national government" was endorsed

/(August

(August 1983). In this case the Tribunal also proposed that the appellant be given the opportunity to proceed to an alternative destination, or to his own country. This decision is helpful in relation to our international obligations not to tolerate such dissidents.

39. In this context it is worth underlining that it is natural that the Home Office and the Foreign and Commonwealth Office may tend to hold differing views as to whether asylum should be accepted or resisted. Two recent illustrations are:

(a)

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ACT 2000

(b) Geng Chen, a Chinese political activist who came illegally into Hong Kong. He had applied for asylum in the United Kingdom and other western countries and the Foreign and Commonwealth Secretary pressed for him to come here quickly in order to remove him from Hong Kong at a very sensitive time. The Home Secretary resisted this, partly on the grounds that he had no ties with the United Kingdom, and pressed the Foreign and Commonwealth Office to try to get him into France or the USA, this was successful and he went to France.

40. Although the Home Office believes that it has effectively carried into our Immigration Rules our obligations under the 1951 Convention, until recently the view has always been taken that there are no appeal rights against refusal of asylum or refugee status per se. Nonetheless the great majority of applicants for refugee status have already been admitted to the United Kingdom and they can appeal against a refusal to extend their stay or a decision to deport them; and as such can have the facts of their asylum application examined by the appellate authorities. Moreover, a number of applicants who fail the test

/are

are allowed to remain temporarily and exceptionally either as individuals or as a member of a group. This conclusion has been reached in relation to national groups only where Home Office Ministers are persuaded that members of the group would not satisfy the strict test of refugee status under the Convention but that it would nonetheless be unreasonable in all circumstances to return them for the time being to the country to which they have expressed a fear of return. Examples of groups currently enjoying exceptional treatment here are Afghans, Lebanese, Iranians, Poles and Ugandans.

41. The lack of appeal rights against refusal of asylum as such is being challenged. In the case of Ahmed Shafiq, an Afghan, the Immigration Appeal Tribunal ruled that where a person is refused asylum but otherwise, and exceptionally, allowed to stay here, he has a right of appeal against the refusal of asylum. This could restrict our options by making it more difficult to avoid damaging our relations with another country by avoiding the express grant of asylum. In the same case the Tribunal found that the appellant had a right of appeal against the duration of the leave actually given to him as well as against the refusal of asylum.

42. Traditionally a distinction has been made between the grant of asylum and that of refugee status: the former a discretionary grant by the state of its protection, the latter the grant of status in terms of the test and obligations of the U.N. Convention. In practice the distinction was found by the Home Office in recent years to be difficult to sustain, and in July this year it was to all practical purposes, abolished. (The terms refugee and asylum status are therefore used interchangeably in this paper.) This announced change is relevant insofar as third countries sometimes differ in their political reaction to our granting asylum or refugee status depending on which label they prefer to see applied for their own domestic consumption.

/Other

Other Administrative Measures

43. This paper has so far dealt with legislative powers and the procedures and practices flowing from this. But there have been occasions when it has seemed appropriate to use administrative devices. Sometimes for example personal representations have been made to those seeking to stay in this country that this will be allowed on the basis that they do not engage in political activities against the Government of their country of origin. The former Sultan of Oman was told he could stay in UK. provided he kept out of politics. The same was done informally with General Gowon. In both cases, though the warning had no legal force, it seems to have helped in keeping those concerned out of the political arena. Foreign Governments are often concerned that we should not give a home to their declared opponents, but their arguments have much less force, and do less damage to our relations, if those opponents, once they are in Britain, disappear from public view. Eg President Thieu. Existing instructions to posts abroad in dealing with requests for asylum include provision in special cases for verbal warnings, after a visa has been given, that the person concerned should not engage while in the United Kingdom in politically embarrassing activities.

44. The most recent example of a measure not fully backed by legal sanction was the Home Secretary's decision, in the wake of the shooting of WPC Fletcher outside the Libyan Embassy, that Libyans applying for visas to the UK should be required to sign a declaration of non-violence before they were given their visas. Relations had already been broken with Libya. Libyans who wanted visas were compelled to travel abroad to apply for them and only a small number were granted. There were no protests about the declaration of non-violence in the circumstances and this measure was politically popular in the UK.

Consultation between Departments

45. As the number of problems presented by political activists or refugee dissidents has grown so too has the process of consultatio

between the Home Office and the Foreign and Commonwealth Office. Neither Department pretends that this always has been a smooth process, because it will reflect not only differing views about the approach to individual cases and competing pressures of domestic and foreign relations interests, but also because while the Foreign and Commonwealth Secretary has a strong interest in the outcome and consequence of particular decisions, those decisions are for the Home Secretary to make. But we know of no recent cases of major importance which have not been considered fully at appropriate level in each Department.

46. At official level there is a great deal of contact, particularly on individual asylum applications: the Home Office refer cases to the Foreign and Commonwealth Office for advice on the situation in the applicant's own country and on particular aspects of his claim which the relevant geographical department or post abroad may be able to comment on. The Home Office also refer cases to the FCO where the grant of asylum may be politically embarrassing or have implications for our relations with the country concerned.

47. In the context of correspondence last year between the two Permanent Under Secretaries of State, mainly prompted by serious difficulties between the two Departments about some Pakistani asylum cases, the arrangements for consultation and liaison were reviewed. It was agreed that the Home Office would consult the FCO at an early stage on cases in which the FCO might have an interest, although the volume of work prevented consultation on every case; that the FCO should be kept informed, if possible, as cases developed; and that any differences of view should be resolved as quickly as possible. At a meeting between officials the following changes were agreed and subsequently put into operation:

(i) updating of the relevant chapter of Diplomatic Service Procedure to include guidance to posts on the manner in which enquiries regarding asylum cases should be pursued;

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(ii) the FCO to copy reports on the internal situation in relevant countries to the Home Office as a matter of course;

(iii) the Home Office to provide FCO departments with regular statistical information on applications;

(iv) the Home Office to co-ordinate with the FCO on the timing of sensitive decisions;

(v) the FCO to keep in mind the need for the Home Office to be able to announce decisions as soon as possible and to avoid asking them to be deferred unnecessarily; and

(vi) the Home Office to inform the FCO automatically of their decision in cases where FCO advice had been sought.

At official level the FCO has now suggested that the HO in addition inform the FCO of all asylum requests, so that the FCO may draw sensitive applications to their attention and request more formal consultation on them.

Part III

POSSIBLE NEW MEASURES

48. The objective of any new measures would be better to prevent foreign nationals here, or seeking to come here, from abusing British hospitality by engaging in unacceptable activities. The types of activity could include:

(a) Taking part in violent political activities in the UK.

(b) Planning violence in this country or overseas.

(c) Advocating violence in this country or overseas.

(d) Participating in public political activities against a Government with which HMG has friendly relations, which would be likely to cause severe damage to those relations and/or risk retaliatory action at home or abroad.

49. Against the background of the present powers and procedures (Part I) and developments in policy in practice (Part II) officials have examined a range of possible new measures under the following headings:

(i) New 'permament legislative restrictions on entry or stay related to a person's intended or actual activities in this country;

(ii) Extended criteria, within the present powers, for exclusion or deportation by the Home Secretary;

(iii) Special or temporary new procedures tightening the control, not necessarily requiring legislation, such as written undertakings not to engage in unacceptable activities;

/(iv)

(iv) Improvements in intelligence and enforcement.

50. Each of these options needs to be assessed in terms of

(a) its likely effectiveness;

(b) our domestic and international legal obligations and the risk of legal challenge;

(c) domestic political considerations;

(d) foreign policy interests;

(e) likely cost, including diversion of resources;

(f) speed of introduction.

New Restrictions on Entry or Stay

51. The restrictions that can be imposed through current immigration legislation, either at the time of entry or later, on people who are or have been admitted to the UK on a temporary basis (other than those who enjoy the freedom of movement under the Treaty of Rome) are at present confined to conditions governing employment or occupation, or requirements to register with the Police. The tests which a person has to satisfy before leave is granted, either when applying for an entry clearance or on arrival at a UK port, are wider ranging under existing legislation than those conditions which may be imposed at the time leave is granted. A visitor, for example, must to gain entry satisfy the requirements that he or she

i) is seeking entry for the period of the visit only;

ii) will maintain and accommodate himself and any dependants, or will be so maintained by relatives or friends, without working or recourse to public funds;

/iii)

iii) can meet the cost of inward journey and return.

For a student the tests are similar with the obvious addition of study requirements at a proper institution.

52. New tests, designed to discourage the sort of behaviour mentioned in paragraph 48 (a) to (d) above, would require change in the Immigration Rules, which would have to be laid before Parliament.

53. The advantage of such a change in the Rules would be that some dissident visitors might be discouraged from applying or coming to Britain at all. It would also make explicit in immigration law a determination not to see people abuse our hospitality.

54. The disadvantages are that entry clearance or Immigration Officers would have to satisfy themselves that the applicant would not behave in the way described, eg take part in political violence. This would be difficult. A person refused on such grounds would have a right of appeal, normally from abroad. The powers of the officer concerned would inevitably be based on arguments about a person's character, conduct or associations, but paragraph 85(b) of the Rules already empowers Immigration Officers to exclude someone on these grounds. If the reasons cannot be given because of the sensitivity of the information, this would point towards the use of the Home Secretary's own existing exclusion powers in paragraph 85(a). Thus changes to the Rules governing entry would be unlikely to add much to existing powers, though they might contribute to a climate in which political activists were more discouraged from coming here.

55. Different considerations apply if a series of conditions were imposed on an individual's permission to be in the UK. New conditions to be imposed on a leave granted would require

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primary legislation, ie amendments to the Immigration Act 1971, and consequential changes to the Rules. Breach of such conditions would be a criminal offence.

56. The argument in favour of such an amendment if the appropriate formula could be found, would be that this measure more than any change in entry tests, could be a useful additional power in the Home Secretary's hands and of clear declaratory and perhaps deterrent value.

57. The arguments against such a change include the view that Home Office Ministers have so far taken that they would not now wish to initiate new immigration legislation, a debate on which could not easily be limited and which would give rise to controversy beyond the particular change desired. Such a change would be bound to arouse considerable public and Parliamentary opposition partly on the ground that it would not be right to seek to curtail a foreigner's political activity here beyond the existing restraints of the criminal law. Satisfaction expressed by foreign Governments would be of only limited help. Following the recent Libyan incident in St James's Square, there is greater public recognition that we do not want Britain to be used as a battle ground for foreigners of whatever persuasion to settle their own scores, but there is little public sympathy for most of the foreign Governments involved.

58. Any attempt by legislation to add to the conditions imposed as part of an individual's right to be in the UK would involve more rights of appeal, and opportunities for delay, than existing tests on entry. Appeals would lie at the point where the individual's leave was curtailed, or the extension of his stay refused, when action was taken to commence deportation proceedings, and against destination. It would be necessary to ensure that any conditions were justifiable for 'public safety' or 'prevention of disorder or crime' under the European Convention on Human Rights. Planning or advocating violence

/might

might constitute such a justification though it is difficult to see how mere public participation in political activities (paragraph 48 (d) above) in its peaceful manifestation could be covered. Any restrictions that fell short of involvement with violence would also be likely to offend the International Covenant on Political and Civil Rights. Both instruments provide that these rights might be enjoyed without discrimination on any grounds, including nationality, which might make it difficult, for example, to exclude individuals like Mr Dikko, assuming there is no evidence of plotting violence on his part, and to allow in to Britain representatives of the Afghan Resistance Movement. Even without such difficulties, reasons of natural justice and consistency tell in favour of measures being applied in a non-discriminatory way, though there may be political reason for distinguishing cases.

Preliminary Conclusion

59. The main argument against changes in legislation and to a lesser extent in the Rules, is that these would not greatly add to existing powers, but would precipitate a major public debate with an uncertain conclusion. If a condition based on violence/abuse of hospitality could be formulated so as to minimise the risk of legal and political challenge it would be of clear declaratory and some deterrent value. Ministers may wish to instruct officials to examine the possibilities in more detail.

Extended Criteria for Conducive Powers

60. This review has shown that the basic scope of conducive powers of exclusion or deportation may be wide enough to meet the needs of removing or excluding those individuals whose activities in this country would be demonstrably damaging to the UK's domestic or foreign interests. Insofar as they are limited they are constrained by the difficulty of enforcement and the restraints of law and international obligation. For these general reasons there has so far been reluctance on the part of

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the Home Office to go beyond the criteria for exclusion and deportation set out in paragraph 27 of Part II, ie plotting the overthrow of a foreign Government by violence, or in other words to go beyond the activities in (a) of paragraph 48 above, and (b) insofar as the planning of violence overseas involves plotting the overthrow of a foreign Government.

61. The question posed here is whether the Home Secretary can, and should use his powers more readily than in the past on general political grounds and particularly in the interests of our relations with foreign States.

62. To raise this issue is not to question the primacy of criteria which emphasise domestic considerations, but to argue that the political problems presented by foreign policy issues may be more pressing than they were, and that the defence and commercial interests of this country appear more interlocked in the 1980s with changing and vulnerable regimes than they were two decades ago. There may here be an inherent tension between the appropriate grounds for immigration control and expedient decisions on foreign policy grounds. Immigration control (and the grant of asylum), involving the associated rights and freedoms and the test of decisions through the Courts, traditionally requires evenhandedness and consistency in decisions on individual cases. But many of the problems presented by foreign political activists and refugee dissidents in this country, especially to our relations abroad, stem from the lack of consistent leadership, policy, and political and social stability in a range of Middle-Eastern, African and other countries. It is particularly difficult when many of these countries are Commonwealth members with whom we have a tradition of especially close and friendly relations. Our trade with Third World countries is important to our economy and we are more vulnerable than in the past to hostile action by them when they believe we are helping their enemies. UK nationals overseas can be at risk as events in Nigeria and Libya have shown. In the present international climate there is also a greater danger the States who feel threatened by

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the activities of their nationals in the UK may try to take violent action against them thereby creating a threat to law and order in this country.

63. Extended criteria could cover the remaining categories in paragraph 48 above, ie planning violence overseas short of the overthrow of a foreign Government advocating violence in this country or overseas, and participating in political activities against a friendly Government so as to cause severe damage to our relations with that Government and risk retaliatory action. Any test for a wider use of the Home Secretary's powers would be difficult to defend politically at home unless it were much stricter than the mere maintenance of good relations. At the very least severe damage to British interests would have to be involved and it might be that some element of violence would be necessary in order to avoid offending against international obligations. It might be necessary to link the proposed criteria in 48(d) to violence, national security, etc by concluding that the Home Secretary would use conducive powers where not only severe damage would be caused to our relations with another State, but in addition the activities in question would be likely to precipitate violence in the UK, or violence against British subjects in the country concerned.

64. One of the arguments for interpreting the criteria for the use of the Home Secretary's powers in this extended way would be that no legislation would be required. There would be a presumption in favour of certification by the Home Secretary, thus avoiding appeal rights. Reasons might not have to be given on grounds of national security or protection of sources for national security reasons (though one could not be sure of this in respect of the latter). Even if an appeal were to be lost the foreign Government concerned would be gratified that we had at least tried to tackle the problem.

65. Action taken against foreigners who were using Britain as a base in which to carry out their own political purposes,

whether by violence or in such a way as to precipitate violence would, although criticised by certain sections of the community be likely to receive general public support. It would also be consistent with the General Assembly Declaration on Friendly Relations referred to in Part I paragraph 19 and be defensible in relation to our other international obligations.

66. There are a number of arguments against an extension of this sort. The Home Secretary of the day would still need to defend his decisions in Parliament and before a domestic audience, to which opponents of the foreign Government concerned would have ready access. Account would have to be taken of the extent to which decisions based on extended criteria might be successfully contested in the British Courts. Deportation on such grounds could be especially difficult. For example, a person deported on these grounds would at least have an appeal on the destination proposed for him, and allowance would have to be made under existing Rules for the strength of his ties with this country. Many foreign dissidents now living in the UK have already established such ties here, eg the Sikh leader Dr Chauhan who has been living in the UK for 13 years and the UK citizen, Mr Abbasi of the Al Zulfiqar Movement, who owns a shop in Doncaster and was recently reported to have provided the NUM's links with Col Qadhafi. We would also have to recognise that some people excluded on these grounds could still be entitled on arrival to have an asylum application considered; and that if decisions to deport or exclude were turned down on appeal this could undermine the value of extended criteria.

Preliminary Conclusion

67. There could be advantages in an extension of criteria for the Home Secretary's conducive powers provided these were linked to violence and/or national security. This would mean considering cases to exclude or deport which covered advocacy of violence as well as plotting violence, and public political activities against a friendly Government of such a nature as to make violence likely affecting British nationals at home or abroad. Such cases would

need, as now, to be examined on their merits by Ministers, and, perhaps, on occasions, by the law officers.

Other Special or Temporary Procedures

68. There are a number of other measures which might be considered, not all of which would necessarily require changes in legislation.

69. The principle of the concept of the Declaration of Non-Violence instituted for Libyans mentioned in Part II (paragraph 44) could be extended. Libyans applying for visas or extensions of stay are now asked to sign a Declaration of Non-Violence in which they accept that if they participate for political reasons in criminal violence the Home Secretary may curtail their stay or consider deporting them. Although there are no legal powers to require applicants to sign this declaration as a condition of entry, we know of no cases of any refusal.

70. A somewhat extended and modified version of the text of the Libyan Declaration is proposed for consideration in the following terms:

"DECLARATION OF NON-VIOLENCE"

"I ..... being ..... National declare that I fully understand that if during my proposed stay in the United Kingdom I commit a criminal offence whether for political or any other motives I will be liable to prosecution and the Secretary of State may curtail my stay or deport me. I further undertake that throughout the said stay I will refrain from the advocacy of violence and from conspiracy to effect violence whether in the United Kingdom or abroad. I fully understand that if I break this undertaking the Secretary of State may curtail my stay or deport me."

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The original declaration was instituted as a selective measure applied to nationals from a country with which we had broken off diplomatic relations. It may still be best to see it in that way, applying it selectively to nationals of those countries most likely to bring their political violence into the UK. The declaration could also be applied generally. This would remove legal difficulties and the possibility of political criticism, on the grounds that it was discriminatory against persons of a particular national origin. It would be possible to ask for such a declaration to be signed:

i) by all entrants other than those with a right of abode in the UK, and other Community nationals - perhaps incorporated in the landing card;

ii) by all applicants for visas or entry certificates; and/or

iii) as part of the procedure for applying for refugee status, asylum or exceptional leave to stay in the UK (the wording would need to be somewhat different for this purpose and in order to avoid conflict with international obligations it would be safer to apply it to applicants from all countries).

71. The arguments for such a measure are that it could facilitate the exercise of the Home Secretary's powers to deport on the grounds that the person's presence was not conducive to the public good by making it difficult to argue that the person had not understood the possible consequences of his politically motivated activities. It would be presentationally helpful in regard to Governments who criticise us for harbouring their active opponents. It could have a deterrent effect in discouraging some potential trouble-makers from coming here, and restrain others from unacceptable activities. It would also pose no difficulties in terms of the existing legal constraints.

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72. The main argument against making wide use of such a declaration is that it might be systematically challenged once it became known that it could not be legally imposed as a condition of entry or stay since refusal to sign the declaration does not in itself justify refusal of a visa or of a leave. But if this occurred, and Ministers wished to continue with the declaration, it would fall to be considered as a possible amendment to the Rules so that the signing of the Declaration could be required before a visa or entry certificate was issued or leave to land given. The principles enshrined in the Declaration, worded as suggested, would be likely to command public support.

73. It would also be an administratively cumbersome device (as experience with the Libyan declaration has shown). If applied more generally, it would be likely to result in delays, particularly at the ports, and in additional costs incurred transmitting and registering the signed declarations.

74. Officials have considered two possible selective measures, namely the imposition of travel restrictions and additional police registration requirements, on certain nationalities while inside the UK so as better to control or monitor their movement. We do not recommend them. At the moment certain diplomats from Eastern Europe have travel restrictions imposed on them as a reciprocal administrative response to controls on British diplomats in their countries. To extend such a measure, however, would have a number of major disadvantages. An extension beyond the present limited arrangements would be very burdensome in resource terms on the Police and the Security Service if it were to be enforced; it would be very difficult to enforce; it might require primary legislation; it might be challenged on human rights grounds; and it would probably lead to reciprocal counter measures against British citizens abroad.

75. Additional Police registration requirements for certain foreign nationals, could involve regular reporting to the Police

/and

and even possibly requiring people to live at a particular address. Such changes would require legislation; they would be highly controversial and would be challenged on human rights grounds; and they would be inefficient and costly. They would also run counter to the current thrust of Home Office policy which is to try to eliminate the present Police registration requirement as an inefficient method of after-entry immigration control.

76. One selective measure which does not suffer such disadvantages would be the use of unofficial warnings to certain individuals not to engage in political activity while in the UK. Such measures seem to have been effective in the past, as in the case of the former Sultan of Oman. Warnings could be issued by senior Consular Officers in posts abroad, or by officials (as appropriate to the case) at home. These warnings would have no legal force, but they could have a deterrent effect and encourage visitors, or those given asylum here, to keep their political activities to a mimimum. Most of them would not be aware that such warnings had no legal force and it might give them the excuse they needed to resist pressures to become involved in political activities directed against friendly Governments. For example a word in the ear of the Tamil human rights lawyer, Kanthasamy (see paragraph 39 of Part II above) might persuade him not to use the UK as a base for attacking the Sri Lankan Government. Such measures would, however, have to be used selectively and only as a result of decisions by Ministers.

77. Control over undesirable visitors could also be extended if the Government were to impose an entry clearance system for all or some non-visa countries, including Commonwealth countries where, at the moment, entry certificates for visits are not mandatory. Countries with which we do not at the moment enjoy reciprocity of visas include Nigeria, India and the USA. Extending the visa/entry certificate system would reduce the problem of exclusion at the ports and provide a more comprehensive early warning system. It would require amendment to the

/Immigration

Immigration Rules, however, and could be criticised as an unfriendly departure in our relations with some Commonwealth countries. In the case of the USA it would destroy our arguments for achieving better entry for UK citizens to the USA Only a limited number of countries would be affected, so that such a policy would not resolve problems in a general sense. It would also be extremely expensive to implement, involving considerable numbers of additional staff. The FCO estimates that to introduce a visa regime for India and Nigeria would cost an additional £550,000 a year. We do not recommend this change at present, but it represents a possible option for the future.

78. Foreign students, as a group, have tended to cause trouble because of the political factions among foreign national groupings. One way to bring pressure to bear in controlling behaviour might be to tighten substantially the process of examining student applications for extension. At the moment this is done mostly by paper checks, with further inquiries instituted where there is doubt about a person's financial support, or proper pursuit of an approved course of study. Control would be enhanced if, perhaps for a range of target countries, each foreign student were interviewed by the immigration authorities annually. We currently process 65-70,000 applications for student extensions per year, a large part falling between the months of September and November. It is estimated that if all student applications from Libya, Iran, Iraq, and Nigeria were subject to interview, this would require about 20 staff if existing levels of service on and after entry are to be maintained. In imposing any additional measures on students, however, the Government will wish to bear in mind the hostility that the full cost fee system has already created over policy towards overseas students, particularly in the Commonwealth. Any additional measures would have to be implemented with great sensitivity. Applying additional controls selectively would be regarded as unfairly discriminatory by the countries affected. Most of the additional interviewing work would be nugatory as the great majority of students are bona fide; and there is no guarantee that additional controls would be effective as a dissident student may comply with the normal student requirements. We do not

/recommend

recommend such control at present but, like new visa controls, they represent a possible option for the future.

Preliminary Conclusions

79. A number of additional measures might be adopted which would have the effect of tightening control of dissident visitors. The idea of extending the declaration of non-violence to be signed either by all applicants for asylum or extended leave, or by all visitors (perhaps incorporated in the landing card), is worth serious consideration. It would have deterrent force and might make it easier for the Home Secretary to exercise conducive powers in relation to troublesome visitors while it remained non-obligatory. We would not have to change the Immigration Rules. In selected cases unofficial warnings that those granted asylum or entry should not engage in political activities hostile to friendly Governments might be a useful adjunct to Immigration Act powers. Control of foreign students might be tightened up provided that there was no suggestion that we were discouraging genuine students. The possibility of extending entry clearance or visa requirements for a further range of countries, especially where we do not enjoy reciprocity, might be investigated, but it would be costly (and require legislation). Extension of travel restriction requirements or Police registration requirements would be impractical and costly.

Intelligence and Enforcement

80. Measures available to take action against foreign political activists depend for their effectiveness on timely and accurate information on which action can be based, and an efficient operating capacity to implement them. Different considerations apply for dealing with those here, and those seeking to come here.

81. The capacity to take action against individual foreign dissidents here already exists either through the Police and the Courts (in respect of criminal offences); through the Security Service and the Police (in respect of those who might be candidates,

/because

because of their activities, for conducive deportation); and through the Immigration and Nationality Department of the Home Office for those who fail to observe their conditions of stay. Increasing existing coverage, or the policing of new measures or conditions, would require either additional resources, or the diversion of resources from other areas of enforcement activity. If new action was confined however to a small number of important cases, the cost would be likely to be small.

82. The main concern of immigration control enforcement is the identification of known foreign political activists or refugee dissidents with a view to their exclusion if that has been decided, or to preventing their re-entry if they have been deported. One limited mechanism of enhancing this capability - new visa controls - has already been discussed.

83. At present the names of individuals whom it is desirable to identify on an attempt to enter this country are contained in what is known as the Suspect Index. This is the focal point of immigration enforcement, and is also a means of intelligence collection about the movements of individuals. It is held principally in manual book form, which contains, at present, some 8,000 to 9,000 names and, as a supplement, on a back-up computer, 6,000 names. During 1983 the composition of new entries to the index issued in National Suspect Circulars, ie other than shorter term and local entries, was as follows

(a)	those deported for serious criminal offences or wanted alleged criminals	15%
(b)	drug offenders	22%
(c)	immigration abuse	5%
(d)	voluntary repatriations	11%
(e)	security/political cases	47%

/Decisions

Decisions by the Home Secretary personally that exclusion is conducive to the public good represent only a small proportion of entries; there have been 14 such decisions so far this year.

84. In the short term, the scope for enlarging the size of the index book is limited. Only a small increase could be contemplated if its effectiveness is to be maintained and unacceptable delays in passenger clearance avoided. Computerisation would make possible a significant increase in the size of the index but a number of practical problems need to be resolved beforehand. These issues are described in Annex D to this paper, prepared by the Home Office, which proposes the following steps for consideration:

(a) In the short term: a modest increase in the number of entries in the index book of up to about 1,000 entries. This could include dissidents specified by the Foreign and Commonwealth Office as well as terrorists of interest to the Security Services (even though there might be little evidence that they are likely to come here);

(b) In the medium term (6-12 months): Computerisation of the central index in the Home Office's Immigration and Nationality Department in Croydon to permit easier maintenance and review;

(c) In the longer term: Full computerisation with direct access to computerised indices held locally at ports provided the operational and technical problems can be overcome, and costs can be met.

85. Despite the possibility of future computerisation, the value of entries under any system turns on their being sufficiently identifiable to be of operational value, and indicating against them the clear action to be taken when a person is identified. In dealing with foreign political activists this means

/(a)

(a) identifying in advance, as far as possible, those whom it would be desirable to keep out;

(b) seeking, if necessary, the approval of the Home Secretary to certification, and settling the grounds on which it is justified; and

(c) entering, and reviewing regularly, names in the Suspect Index and the action to be taken.

The organisational arrangements for achieving improvement will be re-examined by the Home Office, and the Foreign and Commonwealth Office will be kept informed.

Preliminary Conclusions

86. Intelligence collection about dissident visitors and means of enforcement of decisions in relation to them are crucial. The size and targetting of frontier control through the Suspect Index could probably be improved. Officials believe there is scope, prior to computerisation (if that is feasible in practice) to enlarge the number of entries, and invite Ministers to endorse further interdepartmental work on better methods of operating the Index.

Entry through Ireland

87. As described in Part I, the common travel area provides for freedom of movement within the area, with controls on entry from outside it. These arrangements work reasonably well to deter large scale evasion of the UK control, but may not be so effective against individuals. The Irish authorities are provided with copies of entries, amendments, and deletions for the Suspect Index (without full case history) and have power to refuse entry to a person who intends to travel to the United Kingdom and who would not qualify for entry here. (If the Irish authorities identified a person whom our Immigration Service had instructions to refuse, they could be expected to refuse him entry to the Republic unless his intention was clearly only to visit the Republic.)

/88.

88. Control on the entry of individuals through the Republic is less effective than the control at UK ports. The present procedures for notifying amendments to the Suspect Index to the Irish authorities result in delays of up to six weeks before they receive them. A fortnightly list is prepared and specially printed on gummed paper to facilitate amendment of the Index and is transmitted to Dublin by diplomatic bag. It is then for the Ministry of Justice in Dublin to despatch the copies promptly to the ports to ensure amendments are made; and, most importantly to check the name of each arriving passenger against the Index. In the Republic the immigration control is operated by the Garda - there is no specialised immigration service - and anecdotal evidence suggests that checks are not made as thoroughly as at UK ports.

Preliminary Conclusion

89. For the purposes of this paper it has been assumed that abandoning the common travel area and establishing immigration controls on the border between the Republic and Northern Ireland is ruled out on political, geographical and resource grounds. If it is considered desirable to improve the control on entry through Ireland the first step is to improve the procedures for transmitting amendments to the Suspect Index to the Irish authorities. Proposals on this are being considered by the Home Office. There are obvious political sensitivities but it is for consideration that we should then open discussion with the Irish Ministry of Justice to see what might be done jointly to tighten the control.

Summary of Conclusions

90. The Home Office and the Foreign and Commonwealth Office are bound to approach immigration control through different perspectives. The Home Office, as the responsible Department, is concerned to establish a consistent and non-discriminatory practice in enforcing existing legislation which while preserving traditional rights of and international obligation to asylum,

/enables

enables action to be taken against undesirables coming here or remaining here if their behaviour justifies deportation. The FCO has a strong interest in the way the control is operated, is responsible for its operation abroad, and is particularly concerned that the UK should not be seen to become a base for hostile political activities against Governments with which the UK has important political or commercial interests, and where British subjects abroad may be at risk.

91. In the light of recent trends in terrorism and violent political activity, marked most clearly in the Libyan and Dikko affairs, both Departments of State are concerned that there should be a firm control on the activities of foreign political dissidents who abuse British hospitality by using the UK as a base or arena for their own violent quarrels.

92. The questions are exactly where to draw the line and what instruments are available to the Home Secretary and enforcement authorities which will deter, or enable him to exclude or deport trouble-makers in such a way that his decisions are consistent and defensible. The events of 1984 have concerned undesirables of two very different types: the political terrorist acting with the support, or on the orders, of his own Government, and the 'refugee dissident' who is at odds with his own Government and may use or wish to use, this country as a base from which to attack it. The first category can more easily be handled in immigration terms because the existing powers are apt for excluding and deporting such people, and asylum considerations and removal difficulties are unlikely to arise.

93. This review has, for the first time jointly attempted to assemble, explain, and assess the relevant constraints and options for policy in this field. As a result it suggests that Ministers might in the first instance consider a range of measures short of new legislation, in particular:

/i)

i) Asking the Home Secretary to use his conducive powers more widely to cover visitors who advocate violence against foreign Governments or whose hostile activities against such Governments risk precipitating violence at home or abroad.

ii) Wider use of a standard form of declaration of non-violence.

iii) Selective use of unofficial warnings to specific individuals reinforcing the requirement that they should not use the UK as a base for political acitivity.

iv) Improvements in intelligence gathering and systems of enforcement, including entry through Ireland.

94. It also recommends that further interdepartmental work should be done to clarify the scope and value of prospective changes in the Immigration Act 1971, and the Immigration Rules, to impose new tests or conditions in the abuse of hospitality. It has pointed to new visa controls or tighter scrutiny of student applications as costly, but conceivable, future contingent measures.

ANNEX A

FCS/84/198

HOME SECRETARY

Activities of Foreign Political Activists in the United Kingdom

1. In my minute to you dated 21 December 1983 (FCS/83/275), I endorsed the request made earlier by Malcolm Rifkind for interdepartmental discussions to review the limitations of existing legislation on terrorism and the possible requirements for further powers. Officials subsequently met on 6 March and it was agreed that the Home Office would draft a paper on the subject.

2. Recent events convince me that this is a subject which should be pursued very urgently. The Dikko affair, the recent activities of Sikh activists and various incidents involving Iranian and Libyan dissidents show clearly how the behaviour of foreign political activists present in this country can lead to serious acts of lawlessness here and to major risks to substantial British interests abroad including danger to British citizens living overseas. Cases of this kind underline the need to consider what scope there is for imposing stricter conditions on the admission of members of exile groups and for expelling them, after due warning, if the conditions are broken. We should also carry further the examination of other possibilities, including that of prosecution (under new legislation if necessary) of those known to be plotting the violent overthrow of foreign governments. I believe we should also consider whether there is a need for more powers of control over demonstrations near diplomatic missions in London, particularly if these are likely to lead to violence.

3. I should be grateful for your views.

4. I am sending copies of this minute to the Prime Minister, the Lord President, the Chancellor of the Exchequer, the Secretary of State for Trade and Industry, the Secretary of State for Transport and Sir Robert Armstrong.

GEOFFREY HOWE

Foreign and Commonwealth Office

13 July, 1984

ANNEX B

14 AUG 1984

SECRETARY OF STATE FOR FOREIGN & COMMONWEALTH AFFAIRS

ACTIVITIES OF FOREIGN POLITICAL ACTIVISTS IN THE UNITED KINGDOM

The incidents involving foreign nationals from Iran, Libya, India and Nigeria have shown the need for further action on both the international and domestic fronts, and our officials have been pursuing jointly various initiatives with other countries and internally to curb the effects of terrorism. The actions we took against the Libyans were, I believe, widely welcomed. Our Permanent Secretaries met on 20 July to follow up the points which you raised in paragraph 2 of your minute. They agreed in the first instance a review between our Departments of relevant aspects of the present law, policy and practice on immigration (taking account of asylum considerations) and on extradition. I shall expect reports to be submitted to our Permanent Secretaries by the end of next month. We shall bring into these consultations the Scottish and Northern Ireland Offices, as Sir Robert Armstrong has suggested, where their responsibilities are affected.

I am sending copies of this minute to the Prime Minister, the Lord President, the Chancellor of the Exchquer, the Secretary of State for Trade and Industry, the Secretary of State for Transport and Sir Robert Armstrong.

CABINET OFFICE
15 AUG 1984
RECEIVED

L.B.

8 August 1984

CONFIDENTIAL

ANNEX C

EXTRACTS FROM THE 1957 CONVENTION RELATING TO THE STATUS OF REFUGEES

Article 2

General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3

Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 26

Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 31

Refugees unlawfully in the country of refuge

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32

Expulsion

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33

Prohibition of expulsion or return ("refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1800 (one piece/item number)	Date and sign
Extract/Item details: Annex D to Review by Home Office and FCO officials of November 1984.	
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ANNEX E

(Foreign and Commonwealth Office)

LIST OF COUNTRIES WITH WHICH BRITAIN'S RELATIONS HAVE SUFFERED OR MAY SUFFER BECAUSE OF THE ACTIVITIES OF THEIR NATIONALS IN THE UK

ANGOLA

1. The Angolans have complained to us about the presence of a UNITA (Union for the Total Independence for Angola) office in London.

CHILE

2. On 30 October the Chilean Embassy received three evelopes containing articles used in bomb making and a message saying "the struggle goes on". There is the real possibility that the Chilean Embassy may become a target for terrorist attacks which would have repercussions for UK/Chile relations.

GHANA

3. The Ghanaian Government has protested about statements highly critical of the Government and calling for its overthrow, if necessary by violence, made in the press and on the BBC by General Hamidu and Major Boakye Djan. The activities of and publicity given to dissident organisations like the 'Campaign for Democracy in Ghana' and 'The Ghana Democratic Movement' have also been criticised by the Ghanaian Government and in the media in Ghana. The Ghanaian Government consider these organisations and other dissidents such as Akata-Pore and Atampugre as a threat and/or embarrassment and that by harbouring them Britain is committing an unfriendling act. The Foreign and Commonwealth Secretary's request that the last two individuals named be deported to Nigeria, whence they travelled to the UK, is being considered by the Home Office.

THE GAMBIA

4. Conversely our standing in Gambian eyes was enhanced when the Home Secretary refused entry (at FCO request) to two Gambians allegedly involved in the July 1981 coup attempt.

/INDIA

INDIA

5. The Indian authorities have repeatedly complained about statements made in the UK by a Sikh, Dr Jagjit Singh Chauhan, self-styled "President" of the Sikh "Republic of Khalistan". In June this year, he "predicted" the death of Mrs Gandhi; he has subsequently spoken of Rajiv Gandhi being "a target". His remarks have drawn a sharp reponse from the Indian Government and there is a risk of severe damage to our bilateral relations. Other Sikh extremists in the UK, some of whom have sought asylum, constitute a further threat to bilateral relations.

6. Mrs Gandhi complained personally to Lady Young about Hashim Qureshi, a Kashmiri extremist leader known to have been involved in terrorist and hijacking offences, who visited the UK early in 1984. There are grounds for believing that he was involved in the murder of the Indian Assistant Commissioner in Birmingham, Mr Ravindr Mhatre. There is, however, no substantive evidence. Qureshi appeared on Channel 4's 'Eastern Eye' programme and spoke in favour of armed action in the cause of Kashmiri independence. He subsequently left the UK.

IRAQ

7. Iraqi protests about the activities of Saad Salih Jabr, the Editor of the anti-Government Al Tayyar Al Jadeed newspaper have so far been confined to diplomatic representations. The paper is said to have wide circulation in the Middle East and through Arab Embassies in London. Jabr's objective is to unite the various strands of Iraqi opposition and he has formed a new non-sectarian political party in an attempt to achieve this. His newspaper often contains articles highly offensive to President Saddam Hussain (and in some cases his allies, Egypt and Jordan) and regularly calls for his overthrow.

IRAN

8. The Iranian Government has repeatedly protested at the presence in the UK of opposition groups, some of whom have engaged in violent activities directed at Iranian representations (eg the Iranian Embassy occupation in 1981 and more recently the occupation of the Iranian Consulate in April 1984). They have protested in particular at visits to the UK by opposition leaders such as Massoud Rajavi, Head of the Mujahideen-e-Khalq and Shahpour Bakhtiar. These leaders are normally based in Paris. Admiral Madani, who arouses less excitement in Iran, has French and German residents permits. The Iranians also protest if the Shah's son makes publicised visits to this country.

LIBYA

9. The Libyan authorities have regularly accused us of harbouring and aiding Libyan dissident groups. We have denied giving any sort of support to them. We have invited the Libyan authorities to provide detailed evidence, which they claim to possess, of criminal activities carried out by Libyan dissidents in Britain but none has been forthcoming. Col Qadhafi continues to harbour extensive fears of the small number of badly organised dissidents, some of whom use Britain as their base. The most active group is the National Front for the Salvation of Libya (NFSL) headed by Mohamed Magariaf, a former Libyan Ambassador to India.

NIGERIA

10. The Nigerian Federal Military Government (FMG) greatly resents what it sees as HMG's support for Nigerian fugitives (mostly former politicians and businessmen, strongly opposed to the FMG) in granting them leave to enter and (in some cases) remain in the UK. The Nigerian Government has made it plain that bilateral relations will not improve while such fugitives are allowed to remain here.

11. Two have come to particular notice. Umaru Dikko is a former Minister of Transport, accused of major corruption while in office. He was the subject of a recent abduction attempt. He will have to give evidence at his abductors' trial, which will not take place until late January/early February 1985.

12. Isiaku Ibrahim is a wealthy Nigerian businessman and colleague of Dikko with whom he is said to have discussed plots to overthrow the FMG. He visits the UK periodically, mainly on business. The Foreign and Commonwealth Secretary asked the Home Secretary to exclude him from the UK on the grounds that his presence here was not conducive to the public good. But the Home Secretary determined that there were insufficient legal grounds for him to do so.

13. An earlier example is that of General Yakubu Gowon who came to the UK following the overthrow of his government in July 1975. He was accused by the successor government of complicity in an abortive coup attempt in which the then Head of State, Murtala Mohammed, was assassinated. The Nigerian Government asked HMG to assist in returning Gowon to Nigeria, but no formal application for extradition was submitted and HMG was unable to comply. The Nigerian press alleged UK involvement in the coup attempt, and the British High Commissioner in Lagos was expelled.

PAKISTAN

14. The Pakistani Government has protested over the admission to the United Kingdom of a number of their nationals, including some who are known - or believed - to have links with the terrorist organisation Al Zulfiquar (AZ) (set up in 1979 to overthrow President Zia by force). Certain members of the outlawed Pakistan People's Party (PPP) are also in London, including its leader, Miss Benazir Bhutto.

15. There is special disquiet about the Bhutto brothers, Murtaza and Shanawaz (sons of the former Prime Minister), who are leaders of AZ. They are based in Syria or Libya, but seem able to travel freely in Europe. As far as we know, they have not gained entry to the UK at any time.

16. After the 1981 PIA hijacking mounted by AZ the Pakistani Government formally asked HMG not to admit any of the 54 Pakistani prisoners released as a result of the hijacking. The Home Office agreed to refuse request for asylum made in Damascus by 8 of the released Pakistanis and a request by UNHCR (United Nations High Commissioner for Refugees) that 13 of these prisoners should be resettled in the United Kingdom. (Although the 54 names were added to the Suspect List, 8 of them have since been let into the United Kingdom, together with a dual national; a 9th slipped in earlier this year and is currently under consideration.)

17. Among the notable Pakistani refugees in this country are Altaf Abbasi (self-styled European Representative of AZ, who has Libyan connections), Brigadier Usman Khalid, Air Marshal Rahin Kahn, Aftab Gul, Ghulam Mustafa Khar (allegedly involved in a plot against President Zia in June this year), Abdul Qayyum Butt and Mohammad Zafar Niazi.

18. There are several cases of the Home Office, at FCO request, delaying the grant of asylum to Pakistani dissidents already in this country.

PERU

19. The Peruvian Minister of the Interior recently alleged that Sendero Luminoso (SL) were based in the UK and were being assisted from here. Although we found no evidence to support the Peruvian allegation, there has been evidence of international support for SL in the form of pamphlets

/circulated

circulated in London by the Union of Iranian communists under the auspices of the Revolutionary Internationalists Movement (RIM). SL recently became members of RIM.

SOUTH AFRICA

20. The South African Government has repeatedly protested about the activities of the African National Congress (ANC) in the UK and have formally asked us to close the ANC office in London.

SRI LANKA

21. There are a number of Tamil separatists who are active in the UK, some of whom are resident here. The Sri Lankan Government have alleged that Tamil activists in the UK have collected money for the purchase of arms for use in Sri Lanka, but we have no evidence for this. An increasing number of Sri Lankan Tamils have sought political asylum or refugee status in the UK. Since June 1983 only one such Tamil has been granted refugee status. If this were extended to others there could be damage to our political relations with Sri Lanka.

SUDAN

22. Some years ago the Sudanese Government complained about the activities of prominent exiles (eg Sadiq al Mahdi while he lived in London). They have also recently complained about coverage in the British media (particularly to the BBC) of the Sudanese People's Liberation Movement (SPLM) which maintains a representation in London. The SPLM have held 4 hostages (including one Britain) since February and the FCO have been in informal contact with the London representation in efforts to secure their release. For the time being our interest in maintaining links with the hostage holders has lead us to refrain from action which could endanger these.

23. Opponents of Nimeiri's regime frequently visit London to maintain contacts. The Sudanese Government have not made any complaints about their activities in recent months. Opponents of Nimeiri have suggested that he might seek to emulate the Libyans by sending hit squads to operate against his opponents. Mamoun Abu Zaid (a former Minister and member of the group that brought Nimeiri to power), who fled to Britain to escape charges, may have been harassed by members of the Sudanese Embassy.

TURKEY

24. Turkish Diplomatic Missions outside Turkey have been the target of Armenian terrorists since 1975. A conspiracy to assassinate the Turkish Ambassador in London was uncovered in 1982 and an Armenian sentenced to 8 years imprisonment. The Turkish Embassy (and the Office of Turkish Airlines) are regular focal points for peaceful pro-Armenian demonstrations and Turkish diplomats based here appear to find our tolerance of such manifestations hard to understand.

ZIMBABWE

25. The Zimbabweans are sensitive about the activities of Mr Nkomo and Rev Sithole, who are regular visitors to Britain, but have not complained formally so far, partly no doubt because the visitors have no official contacts.