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*Prime Minister
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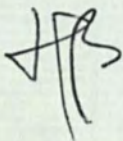
MR POWELL

1 July 1985

IMMIGRATION MEETING: 2 JULY 1985

Herewith:

1. Policy Unit brief
2. Copy of the Abdulaziz Judgement
3. Copy of the relevant Immigration Rules (H/C paper 169 - 9 February 1983).



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1 July 1985

IMMIGRATION AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

We believe that the Case of Abdulaziz, Cabales and Balkandali decided in the Court of Human Rights in Strasbourg on 28 May 1985 might, with caution, be used as a test case of how the Government wishes to treat the decisions of this Court.

1. The Home Secretary's minute of 20 June 1985 states that "under our obligations to the European Convention, we are bound to comply". This is so in international law, but as yet this treaty has not been given the force of law in Britain, and so we have no 'absolute obligation' in British law to obey this decision.
2. Of course, we uphold the 'comity of nations', however the sovereignty of Parliament should not be 'overruled' unless Parliament so decides.
3. The sensible proposals of Leon to toughen some of the Immigration rules so as to remove 'discrimination' could be decided by free vote in the Commons.

We believe this to be a feasible option that should be considered, but if this course is taken, it might prove a hostage to fortune. If a radical Left Government was

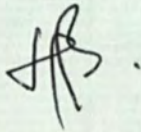
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overruled by the Court of Human Rights, we might not welcome a free vote precedent in the House of Commons.

On balance, we believe the time for a free vote on the power of the Court of Human Rights is in the Autumn, when the right of individuals to apply to the Court comes to be reconsidered.



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Immigration and the European Convention on Human Rights

You disagreed strongly with the Home Secretary's recommendations on our response to the judgement recently given by the European Court of Human Rights on the immigration rules governing the admission of husbands.

There is to be a meeting to consider the issue tomorrow morning, to be attended by the Home Secretary, the Lord President, the Foreign and Commonwealth Secretary, the Lord Chancellor, the Attorney General and the Chief Whip.

The attached note summarises the Home Secretary's recommendations, pointing out in particular that his preferred course would lead to a direct increase in settlement of about 2000 a year.

Your view was, I think, that we should restrict the right to bring in a spouse, whether male or female, to British citizens. This would mean restricting a right which wives have at present, namely to join husbands settled here (but not necessarily British citizens); and the Home Secretary regards it as very damaging politically.

C.D.P.

N.S. Policy Unit advice
also now attached

1 July 1985