



cc PC

10 DOWNING STREET

2 July 1985

From the Private Secretary

Dear Hugh,

IMMIGRATION AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The Prime Minister held a meeting this morning to consider the Government's response to the recent judgement of the European Court on Human Rights on the immigration rules covering the admission of husbands. The Lord President, Lord Chancellor, Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal, Attorney General, Chief Whip and the Minister of State for Home Affairs took part.

The Home Secretary introduced the proposals in his minute of 20 June which would have the effect of allowing husbands to join women who have been allowed to settle in this country in line with the existing provisions of the rules which allowed wives to join men settled here, and of applying the tests which at present husbands must meet before being allowed to join British citizen women to the admission of wives and female fiancées joining men settled here. Although his proposals would lead to some increase in settlement amounting to about 2,000 a year, this figure had to be seen against the background of the Government's success in reducing immigration since 1979.

The Attorney General said that he was content with the Home Secretary's recommendations with the exception of the advice given on Section 1(5) of the 1971 Immigration Act. His view was that the Government should give an undertaking to repeal this but need not necessarily do so for a year or two.

In discussion it was pointed out that there was no absolute obligation on the Government to be guided by the judgement of the European Court on Human Rights. However it had complied with every decision of the Court hitherto and could not refuse to do so on this occasion while remaining consistent with its international obligations. It was further pointed out that the Court's judgement had upheld our immigration rules in most respects saying only that we should not discriminate in favour of women. It had not laid down how this discrimination should be corrected and in theory at least it would be open to the Government either to remove the right which wives at present had to join men who were settled here or restrict the right to bring in a spouse

CONFIDENTIAL

-2-

of British citizens. Against this it was pointed out that the Government had repeatedly accepted a commitment to admit wives of settled immigrants and could not easily go back on these undertakings.

Some concern was expressed lest allowing husbands to join women settled in this country should lead to additional claims for supplementary benefit and housing allowance. It was noted, however, that the Home Secretary's proposals provided for the maintenance and accommodation requirements at present applied to the admission of wives to be extended to cover husbands. While there were some arguments in favour of delaying the Government's response to the Court's judgement, it was probably preferable to take action sooner rather than later.

Summing up the discussion, the Prime Minister said that the proposals in the Home Secretary's minute of 20 June were accepted and the necessary changes to the immigration rules should be laid before Parliament in July.

I am sending copies of this letter to the Private Secretaries to members of H Committee, to the Private Secretaries to the Foreign and Commonwealth Secretary and the to Attorney General and to Richard Hatfield (Cabinet Office).

Yours sincerely,
C.D. Powell

C.D. POWELL

Hugh Taylor, Esq.,
Home Office.

CONFIDENTIAL