



SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

ENTRY CLEARANCE FROM BANGLADESH

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Thank you for your minute of 5 November in reply to my letter of 30 October about the problems faced by the immigration control and the need for a visa requirement for Bangladeshis.

I acknowledge the problems to which you draw attention, in particular the possible risks we run in imposing a visa requirement for Bangladesh alone. When we imposed visas for Sri Lanka there was no upsurge from other countries; but the cause of the inflow that led to the visa requirement was specific in Sri Lanka. A visa requirement for Bangladesh could, as I recognised in my letter, be taken as a sign of impending action in respect of other countries, in the sub-continent and elsewhere, from which people seek to emigrate.

I am accordingly grateful for your agreement that your officials should join mine in reviewing visa policy urgently. The review will certainly have to cover the implications for our relations with the countries concerned and not resource costs alone. We should also have to have an eye to the European Community dimension, and the pressures there for harmonisation of visa policy, and the question of countries where extension of the visa regime may be desirable on security rather than strictly immigration grounds. This review will be a demanding and important task and, while we must get on with it as quickly as we can, I doubt if it is realistic to think that a general review can be completed, and put to Ministers for decision, until early in the New Year. I have, therefore, considered whether we can maintain the present system of control until the review has been completed, and have looked, in that context, at the particular suggestions made in paragraphs 7 and 8 of your minute.

As to the situation at the ports this month, there has been a recent, and welcome, reduction in the number of Bangladeshi passengers arriving who do not qualify for leave to enter. The numbers are still four or five times higher than in November last year, but this is at least some improvement on the October position. The Immigration Service is just able to cope with the traffic at Heathrow, although it remains under strain and faces a very worrying backlog of correspondence and casework. We do not know whether this respite in the Bangladeshi problem will last, and I am sure we need, as you suggest, to bring in the Bangladeshi authorities. The Bangladesh High Commissioner has written to me about the effect on citizens of his country of refusal and detention at Heathrow and a representative of the High Commission has recently been meeting flights from Dhaka at Terminal 3. I propose to reply suggesting a meeting with him at which a Foreign Office Minister should, of course, be present.

The other change in the situation is less encouraging. There have been industrial relations difficulties in the Immigration Service. These are exacerbated - out of all proportion, we believe, to the real issues - by inter-union rivalry for membership, but the strong, and understandable, feelings expressed by the unions about representations from Members of Parliament are not likely to make out attempts to deal with that problem any easier.



I assume that in paragraph 7 of your minute you had it in mind that any passenger who was refused leave to enter should be removed immediately unless he held an entry certificate. This is how the present system would work but for MPs' representations. The law makes it clear that a passenger who is refused despite holding an entry certificate has a right of appeal to the immigration appellate authorities before leaving the country, whereas a passenger without an entry certificate can only appeal to them from abroad. It is when a Member of Parliament intervenes that removal is delayed, and it is the enormous growth in the number of such interventions that has contributed to the difficulty of operating the control as was originally intended.

Naturally I hope that we can find some satisfactory way of restraining representations by MPs, but the chances of success are uncertain. We have to recognise that the House of Commons will need careful and deliberate handling, and that was why I indicated in my statement on 29 October that I intended to proceed through consultation.

Although the problems of MPs' representations is most acute when a passenger is refused leave to enter at the port, we also receive a substantial number of representations against refusal of extensions of stay, even when those refusals have been confirmed by the appellate authorities. In other words, MPs, and the immigrant organisations, have come to see their representations as additional to the role of adjudicators. Unless, and until, we can secure some general agreement to a change in practice in that respect I do not believe that the suggestion in paragraph 8 of your minute for the establishment of some independent authority to consider MPs' representations at the ports provides a way forward. It would amount to an extra-statutory appeal system; the recommendation of the "adjudicator" could not, in law, be binding on the Home Secretary and there is a real danger that MPs would simply continue to make representations as now if they were not satisfied with the results of making representations to the independent person you have in mind. There might also be an increase in applications made to the High Court for judicial review.

Your other proposal was that all passengers who are refused entry should be removed immediately, notwithstanding representations, but brought back here at public expense if the representations are successful. This approach, which is strongly advocated by the main Immigration Service union, has obvious attractions, but I do not think we can consider it except in the more general context of the consultations with Members that I hope to institute. It would be fiercely resented by many Members. There are also other problems. It would be difficult to justify returning a passenger who had claimed political asylum before any representations were considered, but if an exception were made in respect of such passengers that would create a loophole which would lead, as has a similar state of affairs in Canada, and as has happened in West Germany, to a rash of groundless claims for asylum.



To sum up, I am determined to try and make progress in finding a way of handling MPs' representations more sensibly than happens at present, and I accept that it would be better not to have to take a decision on visas for Bangladeshis in isolation from the proposed review of visa policy for other nationalities. But I think we must be ready to impose such a requirement on Bangladeshis at very short notice if the present respite in the number of "bogus" visitors arriving from that country proves temporary. Otherwise we could be faced with a breakdown of the immigration control over Christmas. I hope, therefore, that you will agree we should instruct officials immediately to settle the practical details of a visa scheme for Bangladesh so that, if necessary, it could be implemented at very short notice this side of Christmas; and at the same time to press ahead urgently with the wider review so that we can take decisions about the form of the control before the operational problems at the ports build up again next year.

I am copying this minute to the Prime Minister, the Lord President, the Chancellor of the Exchequer, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, the Secretaries of State for Employment and Transport, and to Sir Robert Armstrong.

*Douglas Hurd*

*20<sup>th</sup>*  
November 1985



IMMIGRATION  
RATES PT 2

