

COVERING **CONFIDENTIAL**



QUEEN ANNE'S GATE LONDON SW1H 9AT

th
15 January 1986

Dear John,

I have been considering how to follow up the statement which you agreed I should make by way of an Arranged Parliamentary Question and Answer on the subject of MPs' representations in immigration cases.

... We need to move fairly quickly into discussions to try to obtain a sensible agreement on revised arrangements, both in Parliamentary terms, and also to restore the effectiveness of the immigration control for next summer. Subject to your views I would propose to write to Gerald Kaufman setting out in general terms the sort of guidelines we have in mind. A draft letter is attached. It sets out briefly the substance of my proposals - essentially the offer of a new facility for obtaining information quickly in return for tight controls on the timescale for representations. It also touches on alternative ways of taking the matter forward.

Those alternatives seem to be either to seek discussions with a range of Members with a possibility of a half day debate when the discussions have been completed or to have a debate first and then move on to the discussions. My own preference would be for the first option but in discussion before Christmas Gerald Kaufman expressed the view that it might be helpful on his side to have the debate first. I should be grateful for your views on the tactics and on how, from your point of view, we should select the members who should be invited to take part in the discussions, and how these discussions might best be organised. Do you, for example, think that the discussions we shall need to hold with some of our own supporters should take place separately from any discussions with the Opposition?

I ought to add that before deciding to put forward the proposals summarised in the attached draft letter to Gerald Kaufman, David Waddington and I considered alternative proposals, including the possibility of summary removal of passengers refused leave to enter notwithstanding that representations were being considered, coupled with an undertaking to bring them back to this country at public expense if the representations proved successful. Any such proposal would be politically highly controversial. Our feeling is that it would be resented by a large number of Members, including some on our own side of the House, at least if the change were made without full consultation. Moreover, these Parliamentary considerations apart, there are

important

The Rt Hon John Biffen, MP

... important practical and policy objections to such an approach. They are briefly set out in the attached letter which I have sent to Geoffrey Howe with whom as you will know I have had wider exchanges about the operation of the immigration control.

I think it important to move as quickly as possible towards establishing discussions so that we can try and establish more sensible arrangements before the peak summer period at the ports and thus reduce the difficulties that we experienced in 1985. I am at your disposal if you and John Wakeham, to whom I am copying this letter and its enclosures, would like an early word.

Yours,

Douglas.

DRAFT LETTER

ADDRESSEE'S REFERENCE

TO	ENCLOSURES	COPIES TO BE SENT TO
The Rt Hon Gerald Kaufman, MP House of Commons		
(FULL POSTAL ADDRESS)		(FULL ADDRESSES, IF NECESSARY)

Home Secretary

LETTER DRAFTED FOR SIGNATURE BY

(NAME OF SIGNATORY)

When we met before Christmas I said that I thought it would be necessary to introduce some changes to the existing arrangements for handling Members' representations in immigration cases; and I should like now to arrange discussions with a view to setting out new guidelines in an area where they seem very much required. The purpose of this letter is to set out in general what I have in mind and to seek your views on how we might make progress.

I believe that it should be possible in discussions to establish sensible guidelines which enable MPs to exercise their rights and privileges on behalf of constituents in a way which is not incompatible with the need for an effective and efficient immigration control. We should recognise that the law provides

for a right of appeal for a person refused leave to enter from abroad unless he had an entry clearance or a work permit on arrival. Our starting point for consideration has been the point you made yourself in replying to my statement in the House on 29 October that members take up these cases, like others, on behalf of their constituents in part to get at the facts. At the moment Members frequently feel bound to make formal representations to Ministers in order to establish the facts in an immigration case. Roy Hattersley in a letter to David Waddington has made much the same point and has asked if in port cases a way could be devised for some sort of direct contact between the immigration authorities and those enquiring about a case.

What we have broadly in mind therefore is that we should introduce a new facility for Members to get the facts underlying the reasons for refusal in an immigration case directly from the Immigration Service. Passengers refused entry would normally (and subject to the risk of absconding appearing low) be allowed a limited period of temporary admission while a Member was obtaining the details and considering the case. Members could in this way reach a more informed judgment on the merits of the

/case at

case at the earliest stage and decide, within an agreed timescale, whether, in the light of all the facts, they felt there was sufficient merit in the case to make substantive representations to a Minister. If a Member did decide to go to Ministers, I hope we could equally proceed to set out procedures and timescales for that stage. In this way a proportion of cases might be resolved without formal representations and the full process of Ministerial consideration could be reserved for the seriously contested cases. We would also speed up the whole process. This way of approaching cases would also better reflect the fact that the statutory power to admit a person to this country is vested in the immigration officer not in Ministers.

The discussion should also consider the circumstances in which it is appropriate to make representations in after entry cases where the rights of appeal had been fully exercised and the decision fully reviewed by the independent appellate authority. I hope we can aim to try to settle agreed conventions relating to the role of the constituency Member, to the role of those Members who have special interests in the problems of particular countries and to the appropriateness of a Member making it known in advance of a person

/travelling to

travelling to the United Kingdom that he or she will make representations to obtain temporary admission for that person in the event of his being refused entry.

I have noted what you and others have said about a debate on this subject. My own feeling is that a debate would be more useful after rather than before the discussions I have proposed and that such an approach would provide the best chance for a measure of agreement and for an informed debate. You will be aware that some of the issues were aired recently in the debate on the Consolidated Fund Bill just before Christmas and I would certainly prefer to see if we could make some progress in discussions before the matter is broached again in the House.

I would welcome wide consultation on these issues, which would bring in those Members particularly or most frequently concerned on a constituency basis. I am concerned by the deeply unsatisfactory strains placed upon the system we have at present and I am anxious to prevent a recurrence of the pressures on the immigration control generated last summer and autumn. Action needs to be taken if difficulties are to be prevented from growing, and if we are to avoid the immigration control being further undermined.

/I hope

I hope you will find these proposals offer a useful way forward. I should be glad to have your views on what form discussions might take, who might be invited to take part, and on the timing of any debate.

From: THE PRIVATE SECRETARY



~~JA~~
JL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

16 December 1985

Dear Howard

MPs' REPRESENTATIONS

... I attach the draft of an Arranged Parliamentary Question and Written Answer that the Home Secretary proposed to give before Christmas.

The Home Secretary sees the purpose of this Answer as dealing with the correspondence with the 23 MPs. There is some expectation that he will have something to say before the start of the recess. The Answer does not address the wider question of future arrangements, or the handling of discussions about them. The Home Secretary wishes to consider this aspect further before making proposals.

At the time of sending this letter we do not know whether MPs' representations will feature in the Consolidated Fund debate. If they are to, we would propose that the Answer was given before that Debate. In any case, it will be given before Christmas.

Yours sincerely
Peter Little

for S W BOYS SMITH

- cc Mr Hudson
- Mr Hyde
- Mr Phillips
- Mr McQueen
- Mr Acton
- Mr Bickham.

n Smith

ARRANGED PARLIAMENTARY QUESTION FOR ANSWER ON

To ask the Secretary of State for the Home Department what response has been received from those honourable Members referred to in his statement of Tuesday 29 October about representations made by rt hon and hon Members in immigration cases; and whether he will make a statement.

DRAFT REPLY

Individual replies have been received from twelve hon Members of whom only two have given express consent to make the correspondence public. Four have objected to publication; one has written but has not make his position clear; and one has asked for further information. Four hon Members have agreed to their names being published - but not the correspondence - in the context of a debate. Three of these hon Members have drawn attention to a statement issued following a meeting of hon Members of the Parliamentary Labour Party concerned with immigration and entry procedures making the same point. A letter in similar terms has been received from the hon Member for Erdington in his capacity as Chairman of the Parliamentary Labour Party's Home Affairs Group. I do not believe in these circumstances that it would be right to name any of the hon Members or to make the correspondence public.

I think it would now be sensible to proceed to hold discussions referred to in my statement to the House on 29 October. The aim of these discussions should be to agree upon a Code of Practice which can be applied to the general run of immigration cases and which achieves a sensible balance between the rights and privileges of hon Members to make representations on behalf of their constituents and the need to maintain an efficient and effective immigration control in accordance with the Immigration Act 1971 and the Immigration Rules which have been endorsed by Parliament.

