



FCS/86/088

SECRETARY OF STATE FOR THE HOME DEPARTMENT

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Admission of Polygamous Wives

1. I have seen your letter to the Lord Chancellor of 24 March with revised proposals for dealing with the question of the admission of polygamous wives. I have some sympathy with your objectives in this difficult field.

2. As I understand it, you now propose that we should amend our domestic law so that with effect from the date of that amendment we shall no longer recognise a polygamous marriage as valid except where the second wife is already resident in this country. I presume you intend that this amendment will apply to all marriages where a polygamous wife is overseas and has not come to this country whether or not the man is settled here. That is to say that in addition to polygamous marriages contracted in Bangladesh and Pakistan by men settled here we shall also withdraw recognition from, for example, polygamous marriages entered into in the Middle East by persons who may come only as visitors.

Yes

Yes

3. This proposal needs to be carefully examined. It would involve a marriage being recognised as valid until a certain date and then considered invalid thereafter. This could cause difficulties in terms of the principles which underlie the law on the validity of marriages, for example, over the position of children. It is of course a serious matter to withdraw recognition from a marriage, and we could be criticised for determining that something as fundamental as the validity or nullity of a marriage should depend on whether the wife had lived in this country with the husband.

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4. I do not wish here to go into all the potential problems. But I am sure it would be wise, as suggested in the Lord President of the Council's letter to you of 19 March, that your proposals should be set out carefully in a Paper for consideration by 'H' Committee, where we should also have the benefit of advice from the Attorney General.

5. I am sending copies of this minute to the Prime Minister, Members of 'H' Committee and 'L' Committee and to Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
27 March 1986

IMMIGRATION KMS ATZ

