

Immigration

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Prime Minister

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

MCS 3/6

3 June 1983

Dear John

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BRITISH OVERSEAS CITIZENS: CANADIAN VISAS

The Home Secretary has suggested that the Prime Minister may wish to be aware of a problem facing holders of British Overseas citizen (BOC) passports that might lend colour, during the Election campaign, to charges that the British Overseas citizenship is a second class citizenship. The matter has not yet, to our knowledge, come to the notice of the immigration lobby, but if it does in the next few days, they may draw attention to the Labour Party's commitment "to consult Commonwealth Governments so as to resolve the question of British nationals with no other citizenship" and to their intention to give full British citizenship (and thus a right of entry to the UK) to BOCs from East Africa.

The Canadians made an Order in Council on 15 April which precludes the affixing of Canadian visas to a BOC passport if the holder is not entitled to admission to the United Kingdom even when the passport contains a residence permit issued by a third country, such as Kenya and, apparently, even if no more than a visit to Canada is intended. The Canadians did not consult or inform us before making their Order.

Any country is free to decide whom to admit and we cannot compel the Canadians to accept BOC passports, but the actual position of the holder of a BOC passport issued since the beginning of this year when the 1981 Act took effect is no different from that of the holder of a citizen of the United Kingdom and Colonies passport issued between 1968 and 1982 which described the holder as subject to UK immigration control. The Foreign and Commonwealth Office will try to persuade the Canadians of this, and to modify their new rule.

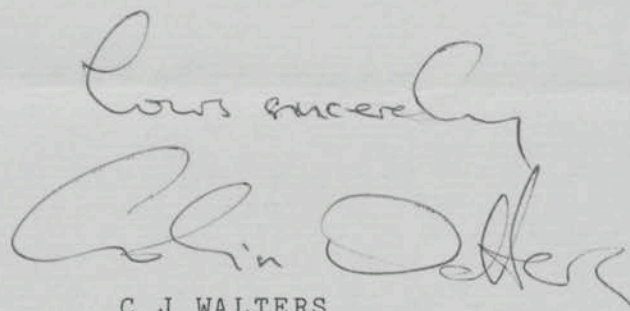
If any questions are asked about the refusal of the Canadian authorities to affix visas to BOC passports, we suggest that the questioner be told that the FCO have already made enquiries in Ottawa, and are taking this further with the Canadian Government. At this stage it would be best not to speculate on the outcome of any discussion. We and the FCO agree that in view of the uncertainty about how the Canadians might react it is preferable to delay a formal approach to them until after the Election.

/More general

A J Coles, Esq

More general questions about British Overseas citizenship will be answered by re-affirming that the passport of a British Overseas citizen like any other British passport entitled our missions abroad to protect the holder and represent his interests. We should try to avoid being drawn into general discussion of the policy of creating this new citizenship.

I am copying this letter to Brian Fall (FCO) and to Janet Lewis-Jones, (Cabinet Office)

Yours sincerely

C J WALTERS