



PM/82/96

THE PRIME MINISTERPrime Minister

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The Home Secretary has reservations but seems disposed to go along.

Agree with Mr. Slyn's recommendations.

Yes Mr. A.J.C.  $\frac{17}{4}$

Hong Kong Passports

1. The Home Secretary and I have given further thought to Hong Kong passports which we discussed with you on 21 October. We have in particular considered the questions then raised about the implications of describing the nationality of Hong Kong belongers as British in their passports, and on what the passport to be issued in future to Hong Kong belongers might look like.
2. On the first of these two points the proposed new wording presents no legal problem as such. The description of nationality in passports, which are documents to facilitate international travel, is not bound to follow precisely the definitions of citizenship in our domestic legislation. There is no doubt that the holders of Hong Kong passports are British in the internationally accepted sense that we are entitled to give them consular protection and to represent their interests abroad.
3. On the other hand to add 'British' in the space provided for 'National status' in Hong Kong passports will affect the symmetry and clarity of our original scheme, which was that the entry under 'National status' should in every case repeat exactly the definitions of citizenship in the British Nationality Act 1981. Under that scheme there would have been five possible descriptions of national status in British passports:

/i)



- i) British Citizen for those with a right of abode in the United Kingdom.
- ii) British Dependent Territories Citizen (BDTC) plus the name of the dependent territory for those with right of abode in a particular dependent territory.
- iii) British Overseas Citizen (BOC) for those who inherit a claim to citizenship which is not reinforced by sufficient connection with the United Kingdom or with a particular dependent territory to give them the right of abode.
- iv) British Protected Person (BPP) for those whose interests we would protect abroad but who have no claim to citizenship nor to any right of abode in the United Kingdom or in a Dependent Territory.
- v) British Subject for a small number of residuals who for passport purposes can be bracketed with BPPs.

All these categories apart from the first, British citizen, are expected to diminish over the years; BDTCs as dependencies become independent, and the remaining three categories because the status of BOC, of BPP and of British Subject cannot in general be transmitted by descent.

4. The advantage of the system ~~just~~ described is that it ties descriptions in passports firmly to the terms used in the recent Nationality Act which in turn are compatible with our immigration

/legislation



legislation and practice. The drawback is that these are more definitions of citizenship than simple descriptions of nationality which would be arguably more appropriate in an international travel document.

5. It would be convenient to be able to confine any revised description of nationality in passports to Hong Kong belongers. But there are two reasons why this cannot be done:

- i) Other dependencies would demand to be included in any special arrangement made for Hong Kong particularly as Gibraltarians already are a favoured category and the Falkland Islanders will become one if Lord Bruce of Donington's proposed Bill succeeds. We could not easily explain to the remaining dependent territories in terms they would be likely to accept that the revision we were prepared to make at Hong Kong's request has no practical significance.
- ii) I would not favour making an arrangement which could be misconstrued by the Chinese government as having some special and exclusive bearing on Hong Kong unwelcome to them in the context of negotiation over its future.

6. This means that any provision for the description of nationality in Hong Kong passports will have to extend at least to the passports of the other dependent territories. If we do this an attempt could be made to push us further to describe BOCs, BPPs and the residual British subjects as British in their passports. If this were to happen we could deploy the familiar argument that this could raise false hopes in the immigration context, and reinforce it by pointing out the distinction between passport holders who have a right of abode in a particular dependent

/ territory



territory and those who have none. But our position would be weak in logic and we might be unable to prevent a revival of parliamentary interest in the immigration aspect. The significant difference between BDTCs and BOCs is that there are compelling reasons for us to help Hong Kong because the passport question has become entwined with considerations of their future, and because Hong Kong has a political weight which enables them to advance their interests in ways that are not available to BOCs, BPPs and residual British subjects.

7. In view of these considerations I suggest that the best course to follow would be to leave the five formulas in paragraph 3 above unamended as descriptions of nationality in passports, except in the case of BDTC where 'British' should be inserted against the printed words 'National status/Nationalité' and immediately above 'British Dependent Territories Citizen'. A specimen is enclosed to show roughly how this might appear in passports issued to Hong Kong belongers.

8. You will recall that when we discussed this on 21 October the question arose of whether the words 'Holder is subject to control under the Immigration Act, 1971' might be transferred from page 5 to page 1 of the passport. The observation is probably better left on page 5 where immigration officials round the world have become used to finding it, but I suggest that we should amend the note at the foot of page 1 to read 'Attention is drawn to the notes at the back of this passport and to any observation relating to control under the Immigration Act, 1971 on page 5'; and that we should add a new note at the back of the book immediately after that on validity as follows:

/'Citizenship



'Citizenship and National Status British citizens have the right of abode in the United Kingdom. No right of abode in the United Kingdom derives from the status as British nationals of British Dependent Territories citizens, British Overseas citizens, British protected persons and British subjects'.

This can be done as the notes are revised to bring them in line with the terms of the British Nationality Act 1981.

9. I propose to introduce these amendments in United Kingdom passports when existing stocks run out in about 12 months' time. Governors in the Dependent Territories will be asked to take parallel action. Meanwhile I recommend that we should introduce our revision of the description of BDTCs in passports when the Nationality Act comes into force on 1 January 1983.

10. The Home Secretary has seen this memorandum and agrees that if something has to be done for Hong Kong this is the best way forward. It remains his view however that the steps we propose may well cause additional unwelcome difficulties to the Government in some future emergency affecting Hong Kong and will weaken our position in the application of immigration control to British Overseas Citizens.

11. I am copying this minute to the Secretary of State for Home Affairs.

Foreign and Commonwealth Office  
16 November 1982

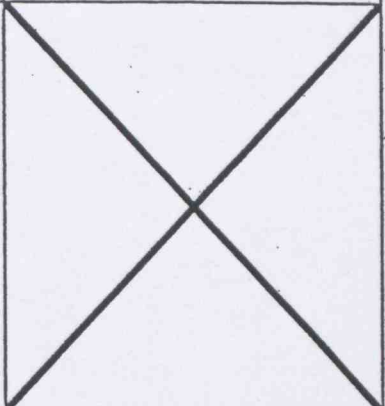
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H-k: nomenclature of  
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10/82



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Hong Kong

10 DOWNING STREET

*From the Private Secretary*

18 November, 1982.

Hong Kong Passports

The Prime Minister has seen Mr. Pym's minute of 16 November.

Mrs. Thatcher has noted the Home Secretary's views as recorded in paragraph 10, but agrees that the Foreign and Commonwealth Secretary should act as he proposes.

I am sending a copy of this letter to John Halliday (Home Office).

A. J. COLES

John Holmes, Esq.,  
Foreign and Commonwealth Office.

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