



FCS/83/131

Home Secretary

*Amint ref from
Home Secretary.*

*A & C. 15.
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Endorsements in Passports of British
Dependent Territories Citizens (BDTC's)

1. I am sure you are aware that the passage of the British Nationality Act 1981 (BNA) caused considerable resentment in Hong Kong, where it was widely considered to demonstrate HMG's lack of commitment to the territory in comparison with Gibraltar and the Falklands. During her visit to Hong Kong in September 1982, the Prime Minister noted the strength of feeling about the Act and in particular the Executive Council's request that BDTC's should be permitted to describe themselves as 'British' in their passports. She discussed this with our predecessors on 21 October. After further consulting Willie Whitelaw, Francis Pym wrote to the Prime Minister on 16 November. She approved his recommendations.

2. Apart from the use of the nationality description, these covered the following arrangements:

- a) the note at the bottom of page 1 of the passports would read 'Attention is drawn to the notes at the back of the passport and to any observation relating to control under the Immigration Act, 1971, on page 5';
- b) the stamp 'holder is subject to control under the Immigration Act 1971' would continue to be inserted on page 5;

/c)



- c) note 2 on the back page should read '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 Territory citizens, British overseas citizens, British protected persons and British subjects.'

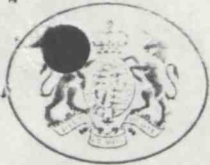
3. The Governor of Hong Kong and the nine Unofficial members of the Executive Council visited London last week. During their visit, they made a strong plea for the removal of the endorsement on page 5. They believe this to be superfluous, given that BDTC's by definition do not have the right of abode in the United Kingdom, and are convinced that it will cause difficulties for BDTC's in third countries. Moreover, they pointed out that the endorsement had not before 1 January been made on passports issued in Hong Kong and that to introduce it now would look as though we were attempting to undermine the effect of our concession on the nationality description. This would cause people to doubt HMG's commitment to Hong Kong at a particularly sensitive point in our negotiations with the Chinese over the future of the territory. The Unofficials put forward two alternative proposals. One was to remove the endorsement on page 5, with consequential amendments to the note on page one, and the other to replace the endorsement on page 5 with 'holder has the right of abode in Hong Kong'.

4. I sympathise with the points made by the Unofficials. Immigration matters are of course your province, but it does seem to me too that the endorsement on page 5 is superfluous in BDTC passports. When control under the 1971 Act was first brought in there was a unitary citizenship and a strong case for spelling out the difference between the various passport holders. That is no longer so since the introduction of the new citizenship categories under the BNA, as we have tacitly admitted by not including a 'right of abode' endorsement in British citizen passports. Moreover the position is clearly stated on the back page. I am sure your Immigration Officers are in no doubt that BDTC's are subject to control.



5. My more direct concern is inevitably with the political arguments. Whatever the reasons for Hong Kong having not previously included the endorsement, I have no doubt that insisting on it now would be very harmful to HMG's standing in the territory. There has already been a very strong reaction among the media and the public which has been dampened only by the announcement that we are considering the points made by the Unofficials. As you know, the second phase of the talks on the future of Hong Kong began in Peking on 12 July and it is essential that we should do everything we can to underline HMG's commitment to Hong Kong and its people. Not to do so would not only severely weaken confidence in the territory, but would also give the wrong signals to the Chinese.

6. Of the two alternative proposals put forward by the Unofficials, I favour the second. The inclusion of a positive statement that the holder had right of abode in Hong Kong would I think be most helpful in protecting the interests of BDTC's in third countries. It would assure immigration officers that the passport holders were returnable to the Dependent Territories and might assist in the context of visa abolition agreements, an area of concern to Hong Kong. It might also imply by omission that the holder did not have the right of abode in the UK. We would of course have to make this change in all BDTC passports, not just Hong Kong ones.



7. I hope that you will feel able to agree to this proposal. I believe it has merit and would bring benefits rather than difficulties for HMG. It would be, moreover, of great political use at this critical time. If you do, I would be prepared to make it clear to the Hong Kong Government that we consider the passports issue to be closed and that they should not expect HMG to make any more changes.

8. This is a particularly delicate point in our negotiations; and I believe it important to be able to say something to the Hong Kong Government as soon as possible. I would therefore be grateful for an early reply.

9. I am copying this minute to the Prime Minister.

A handwritten signature in dark ink, consisting of several stylized, overlapping loops and lines, located in the lower right quadrant of the page.

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Foreign and Commonwealth Office Secretary

ENDORSEMENTS IN PASSPORTS OF BRITISH DEPENDENT TERRITORIES CITIZENS

Thank you for your recent minute. The proposal which you favour, to substitute the present endorsement on page 5 of a BDTC passport with one indicating the holder's right to abode in Hong Kong, has some disadvantages.

If any change is to be made it would be desirable for it to apply universally to other dependencies as well as Hong Kong. The present endorsement could readily be dropped from all BDTC passports but as you are aware the possession of a BDT citizenship by virtue of a connection with a dependency does not necessarily confer the right to abode in that dependency: Bermuda is one example. The endorsement to the effect that the holder had the right of abode in the dependency concerned could not therefore be placed in all BDTC passports though no doubt it would be in most if you invited other dependencies to make the endorsement where appropriate. Secondly there is the danger that the endorsement of BDTC passports in this way would expose more clearly the fact (which has already caused embarrassment in our relations with the Canadians) that a passport held by a British Overseas citizen does not confer the right of abode anywhere.

If it is your view that the advantage in the Hong King context of making this future change outweigh the disadvantages, especially as regards British Overseas citizens, then I would not want to raise objection to it, provided it was made quite clear to the Hong Kong Government, as you suggest, that this is the final change in the wording of the passport and that the matter is now finally closed. On that basis I could accept the proposal in paragraph 6 of your minute.

I am copying this to the Prime Minister.

L. B

29 July 1983

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Hong Kong,
Oct 87
Nomenclature of
HK Passports

30 JUL 1983

11 12 1 2 3
4 5 6 7 8 9

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Foreign and Commonwealth Office

London SW1A 2AH

From the Parliamentary Under Secretary of State

18 August 1983

ENDORSEMENTS IN PASSPORTS OF BRITISH
DEPENDENT TERRITORIES CITIZENS

Thank you for your minute of 29 July. We are grateful that you were able to accept the proposal in paragraph 6 of Geoffrey Howe's minute, subject to the proviso that it should be made clear to the Hong Kong Government that this is the final change in the wording of passports and that the matter should now be regarded as closed.

We were aware of the disadvantages to which you drew attention. It is our firm view, however, that the importance of allaying the concern expressed by Hong Kong outweighs the possible danger to which you refer with regard to passports held by British Overseas citizens.

It is of course right that the change should be applied to all British Dependent Territories citizens. It will however only be authorities of the Dependent Territory who will insert the endorsement. Our posts when issuing BDTC passports will not be able to do so and the passport holders in those cases will have to make subsequent application to the authorities of the territory concerned to have the endorsement added. The position will be explained to all the dependencies and our overseas posts.

We have informed the Government of Hong Kong of what has been agreed and have emphasised that HMG cannot consider any further changes to the wording in the passports. You will be pleased to know that the agreement has been very well received in Hong Kong as a move that demonstrates HMG's concern for local feelings.

✓ I am copying this to the Prime Minister.

Ray Whitney

The Rt Hon Leon Brittan QC MP
Secretary of State for Home Affairs
Home Office
Queen Anne's Gate
LONDON SW1

Hong Kong,
Oct 5 1983
KH Passports

19 AUG 1983

