

RESTRICTED



Prime Minister

Agree with X ?

A.S.C. $\frac{28}{4}$

PRIME MINISTER

STANCU PAPASOIU

Yes
mk

X You are aware of the storm of criticism - much of it based on misconceptions about the facts - that the Government has faced in Parliament and the press following the removal of Papasoiu on 16 March to Romania as an illegal entrant. Papasoiu has now applied to our Embassy in Vienna for a visa to return to this country for permanent residence on humanitarian grounds. This is supported by the British-Romanian Association and Sir Bernard Braine. I believe that the request for a visa should be refused and that, if Papasoiu should try to present us with a fait accompli by turning up at a UK port, he should be returned to the country of embarkation.

- I attach at Annex A a note about the criteria applying to refugee status and
.... our policy on returning people to Eastern Europe, and at Annex B a note which gives Papasoiu's history as it is known to us.

- You know that we did not consider Papasoiu to be a refugee when he was last here. We now know that the Austrians came to a similar decision about him in 1980 and he then returned voluntarily to Romania. Austria, where Papasoiu now is, is the only country which has a legal obligation under the Refugee Convention to consider a claim for asylum. The Austrians are now considering an application from asylum from Papasoiu. Although they seem unlikely to grant it, it appears, as you will see from the attached telegram, that they will not require him to leave while they are considering it.

Papasoiu does not qualify for settlement here under the Immigration Rules and his request for a visa falls to be considered exceptionally outside the Rules. It is our policy that when an Eastern European applicant does not qualify to remain as a refugee or for asylum his circumstances are sympathetically considered with a view to allowing him to remain here exceptionally; and in fact only a small number of East Europeans have been returned in the last five years. We did not, however, consider that Papasoiu's circumstances as known prior to his departure justified allowing him to remain in the United Kingdom on this exceptional basis, and subsequent events have confirmed the correctness of that decision. Moreover, our willingness to consider exceptional treatment for those already here cannot, consistently with our generally strict immigration policy, extend to granting visa applications to all the Eastern Europeans who would like to come here from abroad.

Even if the stories that have been put about in the Romanian press about his criminal convictions (e.g. for gang rape) are discounted as political propaganda or for lack of supporting evidence, nothing that has emerged since Papasoiu's removal and subsequent reappearance in Austria has added either to his credibility or to his personal worth. The allegations made about his treatment in Ashford have been fully investigated and found to be untrue. His account of his various sentences for attempts to leave Romania has been disproved by the recent evidence which has emerged about his stay in a refugee camp in Austria in 1980-81.

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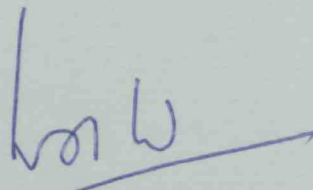
2.

To treat Papasoiu exceptionally now would give the impression that the Government did, after all, consider that the original decision to remove him was wrong, just at the time when public sympathy for him has declined along with his credibility. I think that to allow him to return to the United Kingdom would give rise to as much criticism as our action in removing him in the first place.

I therefore propose to refuse the application for a visa and write at the same time to Sir Bernard Braine to say that his representations on behalf of the British-Romanian Association have been taken carefully into account but that the Government is not prepared to give Papasoiu the exceptional treatment outside the Rules that would be involved in granting his request.

The story may not end there because Papasoiu may again leave Austria and arrive at a UK sea or airport unannounced and hope that representations will secure his entry. The normal course in such circumstances would be to refuse entry to a person without a visa and return him to the country from which he had embarked, subject to a delay of at least 24 hours if a Member of Parliament wished to make representations. Since I should already have replied to Sir Bernard Braine's latest representations as I refuse the visa, I think it would be right if Papasoiu arrived at a UK port thereafter, to seek to return him immediately to the country of his embarkation - whether this is Austria, France or Belgium - leaving any subsequent representations to be dealt with after his removal. Otherwise, given that a second removal to Romania is out of the question, we could find ourselves compelled to let him stay for lack of any other country that would accept him.

I am copying this minute to the Secretary of State for Foreign and Commonwealth Affairs.


27 April 1983

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Remana

10 DOWNING STREET

From the Private Secretary

28 April, 1983

The Prime Minister has now seen the Home Secretary's minute of 27 April about the case of Mr. Stancu Papasoiu. She agrees with the Home Secretary that Mr. Papasoiu's request for a visa should be refused and that if he should arrive at a UK port, he should be returned to the country of embarkation. I am sending a copy of this to John Holmes (Foreign and Commonwealth Office).

TIMOTHY FLESHER

A. R. Rawsthorne, Esq.,
Home Office

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sq

✓ Mr Gillespie
Mr Hyde

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GRS 130
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FM VIENNA 251435Z APR 83
TO IMMEDIATE FCO
TELEGRAM NUMBER 54 OF 25 APRIL
INFO ROUTINE BUCHAREST

MY TELNO 51 AND FREE-GORE/CARTER (EESD) TELECON 22 APRIL.
PAPUSOIU

1. HIETSCH (MFA) CONFIRMED THIS AFTERNOON THAT PAPUSOIU HAD APPLIED AGAIN ON FRIDAY 22 APRIL FOR POLITICAL ASYLUM IN AUSTRIA AND HAD BEEN READMITTED TO TRAIKIRCHEN REFUGEE CAMP PENDING CONSIDERATION OF HIS APPLICATION.

2. HIETSCH SAID THERE WAS A LONG QUEUE OF APPLICATIONS FOR ASYLUM. CONTRARY TO THE IMPRESSION HIETSCH HAD GIVEN ON FRIDAY, IT SEEMS LIKELY TO BE SEVERAL WEEKS BEFORE PAPUSOIU'S APPLICATION IS CONSIDERED. WHILE HIS CASE IS UNDER REVIEW THE AUSTRIAN GOVERNMENT WILL NOT REQUIRE PAPUSOIU TO LEAVE AUSTRIA. THE MFA ARE PROCEEDING ON THE BASIS THAT IT WILL IN ANY CASE BE DIFFICULT TO PERSUADE THE RUMANIANS TO ACCEPT HIM BACK.

ALEXANDER

LIMITED
EESD
MVD
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CSCE UNIT
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WED

PS
PS/MR RIFKIND
PS/PUS
SIR J BULLARD
MR GOODISON

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SIR BRIAN CUBBON } HOME
PS/MR WHITELAW } OFFICE

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Political Asylum

1. The United Kingdom is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees which defines a refugee as a person, who owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. The Immigration Rules provide that full account is to be taken of the Convention.
2. In considering requests for asylum and recognition as a refugee the Home Office examines an applicant's personal and family background for evidence of political, religious, social or economic persecution which he individually may have suffered or may suffer on return to his country of origin or normal residence taking into account the nature of the society in which the applicant normally lives. It is not sufficient for an applicant to adduce, as evidence of persecution, difficulties that may be suffered generally in his own country. What is sought is evidence of discrimination or persecution directed specifically against the individual. Thus, the Home Office does not usually accept as grounds for granting asylum such matters as the desire for a freer and more economically rewarding way of life in this country; a wish to avoid the consequences of an infringement of a properly enacted law in the applicant's country of nationality; or an objection to performing military service.
3. A number of countries, including Eastern European ones, have laws which prohibit their nationals remaining abroad beyond the validity of their exit permits. The Home Office considers individual cases where such a law may apply with particular care but it does not accept that anyone from a country where such a law applies automatically qualifies to remain here once his exit permit has expired. Nor is it accepted that any person who comes to the United Kingdom from a totalitarian regime is automatically entitled to remain here as a refugee. This

E.R.

line of reasoning would arrive at a reductio ad absurdum, for it would give a claim to asylum in this country to the entire population of every country - and there are many - in which such laws existed. The United Nations High Commission for Refugees' Handbook on Procedures for Refugee Recognition lays down that considerations of punishment for illegal immigration, or overstaying abroad, are relevant only if a person qualifies on other grounds as a refugee.

4. The decision to remove Papasoiu does not represent any change in the UK's attitude to applications for refugee status and political asylum. The number of such applications received and granted last year was far and away the highest for any year so far. The applicants come from many different parts of the world - the Middle East, South-East Asia, Africa and, of course, Eastern Europe.

EXCEPTIONAL TREATMENT

5. It has been Home Office policy on Eastern Europeans for many years that where an applicant does not qualify to remain as a refugee or for asylum, his circumstances are sympathetically considered with a view to allowing him to remain here exceptionally. The vast majority of applicants have had some aspect or another which has justified allowing them to remain - or, at the very least, refrain from taking the step of returning them to Eastern Europe. However, there has never been an outright bar on returning Eastern Europeans: 22 Poles and 1 Hungarian have been deported to their own countries in the last 5 years. 4 Hungarians, 3 Poles, 1 Czechoslovak and 1 Bulgarian have been removed to their countries as illegal entrants since 1978.

6. Neither the Home Office's general approach to applications for refugee status or political asylum, nor the particular facts about Mr. Papasoiu led Home Office Ministers to judge that Mr. Papasoiu's individual circumstances qualified him for either status or indeed for exceptional treatment outside the Rules. Moreover, neither the London Representative of the United Nations High Commissioner for Refugees nor the United Kingdom Immigrants Advisory Service, both of whom were aware of Mr. Papasoiu's case, claimed he was a refugee.

7. Finally refugee and asylum policy is applied in the same even-handed manner as general immigration policy. It would not be right to give one part of the world specially preferential treatment regarding asylum which is not, and which cannot within our immigration policy be afforded to other areas. There is considerable evidence that the asylum system is now being abused in certain other countries ^{e.g.} (Canada and W. Germany). There is need for care that the desire to help meritorious individuals from, say, Eastern Europe does not extend so far to the unmeritorious so as to bring the system itself into disrepute; or to use it in a way that is unfair to those seeking legal settlement here, but who are turned away because of the UK's firm immigration control.

26 April 1983

Immigration and Nationality Department
Home Office

PAPASOIU, Stancu, born 1953

1. Papasoiu first came to notice on 19 April 1982 when he went to Limehouse Police Station in London and asked for asylum in the United Kingdom. He had no documents but an Italian interpreter established that he claimed to be Romanian and that he did not wish to return to that country. He was interviewed on 21 April by an immigration officer with the aid of a Romanian born and educated interpreter. He then said that he had always wanted to leave Romania because life was unacceptable under the Communist regime, he had to work ten hours a day to support his family and there were frequent food shortages. He added that he had made two previous attempts to leave Romania but had on both occasions been sent back by the Yugoslav authorities. On return to Romania, he had been prosecuted for illegally leaving the country and for the first offence, in 1969/70, he was sentenced to a five month prison term, suspended, and on the second, some eight-nine months later, to 12 months, of which he served only two. He told the interview officer that he had left Romania only days before his arrival at Dover on about 16 April secreted in the back of a lorry.

2. Also on 19 April 1982, another Romanian illegal entrant was detained by the Liverpool Police on shop-lifting charges. He was Ghitea Milea and his claim to asylum and stated method of entry to this country were so similar to those given by Papasoiu that it was believed that they must have travelled together. Both, however, denied this and at a confrontation in Ashford Remand Centre did not appear to know each other. Although the arrival of one illegal entrant from Romania was almost unprecedented, both Papasoiu and Milea maintained throughout that they were not acquainted before meeting in Ashford. Both were detained in Ashford Remand Centre as they were illegal entrants without documents or money.

3. Neither Papasoiu nor Milea met the criteria of the Refugee Convention (see Annex A) to be allowed to remain as refugees. The Foreign and Commonwealth Office had, however, confirmed that the penalty for leaving Romania without permission was imprisonment for between six months and three years. Representations had been received from Members of Parliament and the British Romanian Association in respect of Milea and the circumstances of both men were submitted to Home Office Ministers in July. There were discrepancies in the accounts given by both the Romanians and neither had any history of persecution for the reasons given in the Convention nor did they have any connections with this country. Home Office Ministers decided in July 1982 that neither was a refugee and that there were no grounds to allow them to remain on an exceptional basis.

4. Further representations were then received about Milea and in particular it was alleged that he had an outstanding application for asylum in France. As he had also told the Home Office that he had left Romania only days before his arrival in the United Kingdom, arrangements were made for Milea to be reinterviewed. At the same time in August the British Romanian Association were informed about Papasoiu and told that he would also be further interviewed. At his second interview in September, Milea now said that he had left Romania on 16 September 1980 and had been in Traiskirchen refugee camp in Austria

/until

until March 1981. He claimed to have applied for asylum in seven different countries and to have crossed ten international borders with no documentation. He added that he had applied for asylum in France but had left that country in advance of a decision. Papasoiu on re-interview on 6 September did not change his account of his journey from Romania or his reasons for leaving but now claimed to have made five attempts to leave Romania and to have received a suspended sentence of five months imprisonment in 1969/70, a 12 month sentence some months later of which he served only two months before release on amnesty, a three years sentence in 1970, and a further three years in both 1973 and 1978. He claimed that he had served the last three sentences in full but could give no explanation for not mentioning these earlier. At no time did he say that in 1980 he had been in Austria and had then been refused political asylum although it has now been confirmed by UNHCR that he was in Traiskirchen refugee centre in Austria from 22 September 1980 to 18 March 1981 (eg dates given above from Milea's account of his travels). Papasoiu could not of course have admitted to being in Austria at that time because he had asserted that he was then in prison in Romania.

5. The London representative of the United Nations High Commissioner for Refugees was asked on 25 August if he could verify Milea's statement of an outstanding application in France and also if Papasoiu had come to the notice of the French authorities. In early November, the UNHCR confirmed that the French authorities would consider readmitting Milea to continue his application for asylum but that they had no trace of Papasoiu and would not therefore admit him.

6. Milea and Papasoiu had both been detained in Ashford up to this time. They were illegal entrants with no documents or money and, moreover, the accounts they had given contained so many discrepancies and contradictions that both totally lacked credibility. It was not considered that either would comply with the terms of temporary admission and so detention had been maintained. On 20 November, Papasoiu began to refuse food as a protest against his detention and the refusal of asylum. Some four days later he began to eat again, only to refuse food once more some days later. At about the same time, the Refugee Unit of the United Kingdom Immigrants Advisory Service offered to accommodate the two Romanians. This combination of factors - and the time taken to reply to representations on their behalf and the further delay which applications to the French would entail, led to the temporary release of both Papasoiu and Milea on 4 December.

7. Replies were sent to Sir Bernard Braine and others on 8 December to the effect that there were no grounds to allow Papasoiu to remain here and that arrangements for his return to Romania would be resumed. However, Sir Bernard Braine forwarded further representations on 28 December.

8. On 18 December, Papasoiu's solicitors arranged for him to be examined by a consultant physician when it was alleged that he had been forcibly fed and assaulted while in Ashford. The doctor found no injuries consistent with any attempt at forcible feeding but found evidence of two healing bruises on the left arm. There were no injuries at all on Papasoiu's back although the complaint he made to the examining doctor was that ten prison officers in white coats had jumped on his back. The report was forwarded with other documents to the Immigration Department by the solicitors on 10 January who however made no complaint about any assault in Ashford.



9. While these representations were under consideration - and before any approach was made to the French Consulate, Milea presented himself to an immigration officer at Dover on 20 January expressing the intention of going to France. He had no documents but an immigration officer has no authority to prevent anyone leaving the country and Milea therefore left for France. He was not returned by the French authorities and there has been no news of him since that date.

10. On 10 February, the Minister of State wrote to Sir Bernard Braine to say that arrangements for Papasoiu's removal as an illegal entrant would again be resumed. The Immigration Service requested Papasoiu to attend their office on two occasions with an interpreter but on each occasion he appeared alone. On 14 March it was arranged that the same official interpreter who had attended the two earlier interviews would be present and Papasoiu was then informed that arrangements had been made for his return to Romania on 19 March. His reaction to this was such that the immigration officer could not be satisfied that he would leave voluntarily and it was decided to detain Papasoiu in Ashford. Home Office Ministers confirmed the decision that he should be removed and the removal was then rearranged for the first available flight on 16 March.

11. Papasoiu was transferred from Ashford to the Immigration Office at Harmondsworth on 16 March. He was handcuffed during this journey when he was escorted by prison officers. He was then escorted, without physical restraint, by Securicor to Heathrow and to the aircraft. He mounted the aircraft steps alone.

Allegations since Papasoiu's removal

12. Much of the reaction to Papasoiu's removal has been caused by press reports that he was frogmarched screaming onto the aircraft. There is no substance to these allegations.

13. Subsequent to removal, allegations have also been made that he was force-fed in Ashford and his earlier allegations that he had been assaulted by ten officers in white coats was repeated. These allegations have been investigated but have been shown to be groundless.

14. Questions were also raised as to whether Papasoiu was in fact a Romanian. He had no documents but he claimed to have been born in Romania, he spoke Romanian and the Romanian interpreter and the British Romanian Association accepted that he was Romanian born. The Romanian Consulate in London when approached by the immigration officer with a request that a document be issued to Papasoiu declined to issue a passport but did not deny that Papasoiu was a Romanian citizen. The Austrians have told us that Papasoiu now has a valid Romanian passport.

15. Reports in the press in the United Kingdom that Papasoiu has been convicted of gang rape in Romania appear to have originated from the statement of 30 March by Agerpress, the official Romanian news agency, that Papasoiu had been sentenced to three years and two months for gang rape in 1977 but had been released after two months by amnesty. This statement also mentioned two previous attempts to leave Romania. The Home Office is unable to confirm or deny the existence of this conviction

16. It has been reported in the Press that Papasoiu wishes to marry a Miss Rees in order to obtain settlement in this country but his claim to be in a position to marry must be open to doubt. On 28 March a reporter for the Daily Mail in Romania said that he had contacted a member of the family and Papasoiu has a wife and son of six. There have also been press reports of a conviction for theft in France, but no confirmation of this has been received.

Latest developments

17. On 15 April, Miss Rees who had taught Papasoiu English in the United Kingdom after his temporary release, received a letter from him from Austria stating that he had been given a Romanian passport on 6 April and put on the train to Austria. On 15 April, Papasoiu applied for asylum in Austria but on 18 April he withdrew this application. He was then given leave to remain in Austria until 5 May 1983 - the date of expiry of his passport.

18. On 21 April, Mr. Papasoiu applied for a visa to come to the United Kingdom for permanent residence on 'humanitarian' grounds. He said that Miss Rees and the British Romanian Association would look after him until he found a job as a car mechanic. The British Romanian Association has written to Sir Bernard Braine asking him to make representations on Papasoiu's behalf but has not stated their willingness to take responsibility for him.

19. The Austrians have confirmed that Papasoiu had applied for asylum in Austria in October 1980, and that, when this was refused as he did not meet the criteria of the Refugee Convention, he had voluntarily returned to Romania in March 1981. He has now applied for the third time for asylum in Austria and is due to be interviewed about this on 26 April. It is not known when the Austrians will reach a decision on this latest application.

26 April 1983