

CONFIDENTIAL

Immigration No 2/82



Dr John Verker

SUBJECT.

10 DOWNING STREET

cc. Markat ask

From the Private Secretary

15 September 1982

Dear John,

Immigration Rules on Marriage

The Prime Minister had a meeting with the Home Secretary on Monday 13 September, at 5.00 pm, to discuss the changes in the immigration rules on marriage approved by H Committee in June. The Chief Whip and the Minister of State for Home Affairs were also present.

The Prime Minister said that she was most unhappy about the proposed changes in the immigration rules. The whole thrust of Government policy at the present juncture had to be directed towards easing the problem of unemployment. The proposed changes in the rules went in the opposite direction. The outcome of admitting more husbands and male fiances would mean that there would be more new families, larger numbers on the unemployment register, and in the long run a requirement for the creation of more jobs. The UK had dealt far more generously than other European countries with its immigrants. In France, 10 years was necessary before citizenship was granted. Both the Germans and the Swiss had sent home large numbers of their Gastarbeiter, and in many cases had not admitted their families in the first place. There were, furthermore, sufficient numbers in the ethnic minorities in this country now to provide an acceptable range of choice for young women without the need for further young men to come to this country. It was traditional among many of the ethnic communities concerned that when a woman married, she would join her husband's home. The proposed changes in the rules ran counter to this tradition. They were also wholly inconsistent with the Manifesto, which had pledged that the Government would end the concession introduced by the Labour Government in 1974 to husbands and male fiances.

The Home Secretary said that the passage of the Nationality Bill had obliged us to introduce new immigration rules. It was regrettable that this issue had to be brought up again, but the substitution of the concept of British citizenship for the old concept of citizenship of the UK and colonies had made this unavoidable. The new rules had to include a fresh definition of those women whose husbands could join them here. It would be very difficult to defend a distinction between some British citizens who would be able to be joined by their husbands, and others who would not; no parallel distinction was being maintained for men and their wives. The European Commission considered the present rules contrary to our obligations under the Treaty of Rome, and

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adverse
it was very likely that current cases would lead to decisions at Strasbourg, and that the present rules might contravene the European Convention on Human Rights. These decisions would probably be made in summer or autumn of 1983, at a very awkward time politically. The Home Secretary said that he himself had no enthusiasm for these changes. He would much have preferred it if matters could have been left as they were. But he feared defeat in the Commons, or more certainly in the Lords, if we were to introduce new rules drafted in the way the Prime Minister preferred. If the Government were defeated in this way, it would be statutorily obliged to put down further rules for debate in the House. This would raise the issue yet again, and much political difficulty.

In discussion, it was noted that there would be controversy whatever the Government did. Some of the Government supporters, resting on the Manifesto, would oppose any changes. Others would expect the Government to make the changes the Home Secretary was proposing, and might be ready to vote with the Opposition on the issue. The proposed changes seemed likely to increase the number of immigrants by up to 3,000 a year. It would not be practical to introduce some halfway-house, such as a provision that husbands and male fiancés should be admitted, but only after such date as unemployment had fallen to a specified figure. It was noted that the proposed new rules would not go back entirely (although they would go back substantially) to the pre-1980 position: the Government would be allowing only British citizen women to bring in husbands, whereas the previous rules allowed all settled women, whatever their citizenship, to do so. Furthermore, the Home Office would apply stringently the conditions that marriages should not be for the purpose of immigration, and that the couples should have met.

The Prime Minister said that she recognised that, on the general immigration background, there had been a reduction in the numbers of immigrants accepted for settlement since 1979, and that the numbers applying for entry clearance in the sub-continent had dropped sharply. Furthermore, the extent to which applications would lead to an immediate increase in the numbers accepted for settlement depended on what changes, if any, the Home Office made in the number of entry clearance officers available to deal with the applications. She continued to be concerned about the discrepancy between what was proposed and the Manifesto. Nevertheless, in the light of the considerations which had been advanced, she agreed that the Home Secretary should proceed as he proposed.

I am sending copies of this letter to Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

Yours sincerely,

Michael Scholten

John Halliday, Esq.,
Home Office.

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