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QUEEN ANNE'S GATE LONDON SW1H 9AT

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15 January 1986

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Dear Geoffrey,

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We exchanged minutes before Christmas, and I was very grateful for your agreement that officials of our two Departments should conduct a general review of visa policy. I understand that the work is now well in hand and I hope that the analysis by officials will be available for us to consider within a month.

Given the near breakdown of the immigration control at Heathrow last summer it is necessary to look at the possibility of extending the use of visas, as compared with other ways of enabling the control to operate satisfactorily this summer, and, for that purpose, we need the properly costed analysis that officials have in hand. I have also stressed to officials here that their analysis needs to have a longer term as well as a short term focus. Because we are an island we can exercise our immigration control as passengers seek to enter the country. As a result, we do not have to face the scale of evasion of the immigration control, and the numbers of illegal immigrants, that concern other Governments in Western Europe, such as France and Italy, not to mention the United States. Nor do we need the greater internal controls such as the checking of identity documents and sanctions on employers, which some other countries have to use.

For some time past, however, the control at the ports has been supported by a compulsory system of entry clearance for those ostensibly coming for settlement. The question for the future is whether in the face of increased traffic, especially from 'difficult' countries, that requirement will need to be supported by a greater use of a general visa requirement if the operation of the control at the ports is to be satisfactory, and not to cause undue problems for the vast majority of bona fide passengers.

Coming back to more immediate issues, I was also grateful for your agreement in paragraph 7 of your minute of 2 December that contingency plans for the extension of visa requirements to individual countries should be discussed separately. The position in November and December remained that substantially more passengers had to be refused admission at Terminal 3 than in the equivalent months of 1984 (341 compared with 233) but that

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The Rt Hon Sir Geoffrey Howe, QC, MP

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Bangladesh passengers did not contribute disproportionately to the increase in the way that they had done in the preceding months. We could, however, face at any time a sudden increase of inadmissible passengers from one country, whether Bangladesh or Nigeria or elsewhere, as a result of unrest or rumour in that country and we must have contingency plans ready so that visas can be imposed quickly on the nationals of that country if that proves necessary.

... In paragraph 8 of your minute you referred again to the problems caused by representations by MPs on behalf of passengers refused leave to enter. I fully agree that we need new and firmer arrangements to prevent MPs undermining the control by exploiting the system that has grown up. David Waddington and I have given a good deal of further thought to how we might achieve this. Our proposals are summarised in a letter I have sent today to the Lord Privy Seal. As you will see from the enclosed copy I believe the next stage must be further consultations with MPs and that it would be unacceptable to the House if, without consultation, we were effectively to end the present arrangements for delaying removal when an MP has made representations, even with an undertaking to pay the passenger's fare back to this country if the representations were successful.

But quite apart from these Parliamentary considerations, there would be policy and operational difficulties if we attempted to introduce a process of summary removal in all cases irrespective of circumstances, and irrespective of representations from Members of Parliament. First, there is the risk to which I referred in my minute of 20 November, that we should receive very many more claims to political asylum from passengers refused at the ports if such claims appeared the only plausible way of gaining a respite from removal. Our international obligations require us to examine such claims carefully. Experience with the Tamils confirmed that this inevitably takes time, and if the people concerned were not granted temporary admission we should have to provide larger and more expensive detention facilities than exist at present while those claims were examined. Second, there would have to be some exceptions to summary removal in cases where the availability of flights precluded removal for several days, and on compassionate grounds, eg to cope with those coming to attend a family funeral who do not satisfy the requirements of the rules for admission in visitors. In cases of this kind the flexibility of temporary admission has proved its value.

To abandon the use of temporary admission altogether, or to make an abrupt move to a general policy of summary removal in the face of representations from MPs, could in my judgment actually damage the effectiveness of the control. Nor could we readily apply the policy only to passengers of certain countries. On the other hand the present misuse of the system also damages the effectiveness of the control. We need to pursue urgently the proposals about which, if John Biffen agrees, I now intend to write to Gerald Kaufman.

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We need to keep up the momentum of all these related pieces of work. Our experience in 1985 makes it clear that we must have more effective arrangements in place by the Spring, and be sure that the resources and systems available to us restore the effectiveness of the control and minimise delays.

Copies of this letter and its enclosures go to the Prime Minister, the Lord President, the Secretary of State for Trade and Industry, the Chancellor of the Exchequer, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, the Secretaries of State for Employment and Transport, the Chief Whip and to Sir Robert Armstrong.

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