

FOCUS

NEW IMMIGRATION RULES

The opposition to its new Immigration Rules must have severely shaken even this Government's complacency.

So far, the Government has refused to abandon its election pledges to be 'tough on (black) immigration'. But they may have been forced to understand what they would not acknowledge before the election — that the last Labour government's immigration policies were already so harsh as to leave the new administration little room for manoeuvre. Even a complete ban on foreign husbands (a manifesto proposal from which they have now partially retreated) would, at the price of enormous suffering, have cut the numbers by only 10,000 a year.

The draft Rules, which were debated in Parliament before Christmas, do not include all the manifesto threats. Apart from the replacement of the proposed ban on foreign husbands with a discretionary rule under which some will be admitted and some refused, the Government has 'postponed' the register of dependants and the immigration quota. Since their civil servants have presumably explained the administrative costs and complexities of a register and a quota, 'postponement' probably means that these ideas have been abandoned.

Under the draft Rules, foreign husbands would have to rely on the discretion of entry clearance officers, if their wives were born in this country. The husband of a wife born abroad would have to rely on the discretion of the Home Secretary or one of the Ministers. Part of the opposition from Conservative MPs to these proposals has focused on the 'truly British' women who Mr Whitelaw assured backbench Conservatives he would protect. 'Truly British' women — in other words, the white daughters of civil servants, Army officers and others 'serving their country abroad' — may now be given a special mention in the Rules, to place them on the same level as women born in this

country. But the Indian women, for instance, who settled in this country when they were children will have no such benefit... and Mr Whitelaw has made it quite clear that it is against them that his discretion will be primarily directed.

But none of these women — born abroad or not, of Asian origin or not — will have any legal *entitlement* to be joined by a foreign fiancé or husband in this country. The way is therefore open for an entirely racist use of official discretion. The new Rules state that permission to a husband will be refused if the marriage 'is being entered into primarily with a view to obtaining settlement' (the crucial words 'with no intention of living together as man and wife' have been dropped from the old Rules). Fiances and husbands will also be refused if the partners have never met each other — a proposal which is part of the Government's deliberate attack on arranged marriages. Indeed, the rhetoric directed against arranged marriages by the Conservatives and *Times* leader-writers sits ill with Mr Whitelaw's pledge, before the election, to respect the cultural and religious dictates of the caste system.

Only 3,124 parents, grandparents and distressed relatives came to this country in 1978. Apparently this country is in such danger of swamping from such clearly dangerous immigrants that even they are to be banned in future. Although the new Rules imply that dependent relatives may occasionally be admitted, in fact the requirements laid down (that the relative be dependent on the sponsor in this country, but still have a standard of living *below* that of his own country, with no other relative, however distant, to whom he or she could turn) will in fact mean that the doors will be completely shut. 'The party of the family', despite its plans of encouraging married women to stay at home to care for elderly relatives, has no intention of allowing Asian families to carry out their responsibilities to elderly relatives.

It is particularly disturbing that the Home Office has persuaded the Government to take the opportunity to rewrite completely the existing Rules. Amongst the petty proposals are new regulations which will affect work-permit holders, visitors, students and au pairs (now only to be admitted from a European country) — and the extraordinary proposal that a self-supporting person should only be admitted if they can produce capital of £100,000 or an annual income of £10,000.

But none of these detailed regulations can be properly debated under a procedure which allows neither committee hearings, nor any amendment. The Rules are simply laid before Parliament and, unless a majority of MPs votes against them in their entirety, they automatically come into force. And their effect will be backdated to applications made after 15 November, when the first draft of the new Rules was published.

The new Rules will have little effect on the numbers of people settling here each year (Britain is, of course, a net exporter of people and has been for many years). The Government may content itself with claiming the credit for a drop in immigration which is already happening, and which will continue, as a result of policies introduced by the last Government. But they may be tempted, in order to 'prove' how effective their policies are, to delay even further the processing of applications from wives and children in the Indian Subcontinent, thus prolonging the agonies of separated families.

NCCL will be organising a challenge to the new Rules in the European Human Rights Commission. Not only does the Human Rights Convention protect the right to family life, but it also states that governments, in obeying the Convention, should not discriminate on grounds of race, sex, colour, religion or national origin. The new proposals on foreign husbands and other family members offend on all five grounds.

But the real significance of the last nine months is not simply that the Government has been forced to retreat from some of its racist proposals. What has now emerged, for the first time, is a national coalition of organisations and individuals dedicated to fighting for non-racist, non-sexist and just immigration and citizenship laws¹. The

¹The Action Group on Immigration and Nationality, a co-ordinating body of NCCL, JCWI and others, publishes briefings and campaign pamphlets on these issues. You can also obtain briefings on the new Immigration Rules from NCCL (186 Kings Cross Road, London WC1X 9DE) or JCWI (44 Theobalds Road, London WC1, which is also the address of AGIN).



photo: Virginia Turbett



national demonstration in November was the result of a first-time co-operation between the three Indian Workers' Associations and other national black organisations. The campaign against the new Rules has involved, not only bodies like JCWI and NCCL, but also the CRE, the EOC, women's organisations, ethnic minority groups, labour movement bodies, the Liberal Party, the Young Conservatives, the Tory Reform Group and some Conservative MPs, and all the major church organisations. Former Labour Ministers have been forced to abandon policies they held in government: not only did Merlyn Rees confess that he was wrong to impose a ban on foreign husbands in 1969, but a future Labour government may find it harder to continue with the appalling system introduced by the last government under which suspected illegal immigrants can be arrested, detained and deported at the say-so of a Minister, with no hearing before a court.

All anti-racists must now ensure that the momentum of the campaign is kept up ... to achieve not just the defeat of the Government's new Immigration Rules, but the repeal of the 1971 Immigration Act and the introduction of new citizenship and immigration laws which end discrimination on grounds of race and sex, which respect the right to family life, and which do not leave civil liberties at the mercy of official discretion.