



QUEEN ANNE'S GATE LONDON SW1H 9AT

Prime Minister

To note, pending F/C.O.

20 JAN 1982

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Our officials have been discussing the situation of Polish nationals in the United Kingdom and what response might be made to the Austrian appeal for friendly States to share the burden of the large number of Polish nationals presently accommodated there.

I should of course like to make a generous response to Polish nationals who find themselves in difficulties in the present situation. I am aware of your initiatives in the E.C. and the recent decision of the Foreign Ministers of the Ten that they should study what can be done to alleviate the situation of Poles outside Poland who do not wish to return to their country under present circumstances. However, I cannot consider the Austrian appeal in isolation from our present and future actions with regard to the not inconsiderable number of Poles who found themselves temporarily in this country when martial law was imposed, and to what may happen if and when Poles became free to travel abroad again. This could be a long drawn out affair and it is important that the response we make does not weaken our general stance on immigration policy - where there are pressures on every side and it is especially important to avoid accusations of racial bias. From this point of view it is very desirable that anything we do specially for Poles should be worked out and presented as being part of an operation in which other European countries are also playing their part - and preferably taking a more generous part since they do not face the same immigration pressures elsewhere as we do.

Our best estimate is that some two thousand to three thousand Poles were in this country on a temporary basis at the declaration of martial law in Poland on 13th December last. We have since undertaken that for the time being no Poles will be returned to Poland against their will. This line has, I think, been generally reflected throughout the Western world. In those cases where delay in return to Poland has caused financial hardship, conditions of stay have been varied to enable applicants to take employment or, where necessary, to avail themselves of the appropriate social security benefits. We propose to continue with this sympathetic approach for the time being, exceptionally outside the Rules, on the understanding that when the situation in Poland improves to an extent that it would be reasonable for those Poles here temporarily to return home, we would expect them to do so.

/What we have not

The Rt. Hon. Lord Carrington, K.C.M.G., M.C.



What we have not done is to regard these Polish nationals in the United Kingdom as refugees under the 1951 Convention, nor have we accorded them asylum in the United Kingdom. Indeed, if all were to be individually examined on these bases, I would think that only a very few would qualify. Significantly, since the introduction of martial law in Poland, only one or two Poles have sought asylum as opposed to a much larger number who have requested extensions of stay until the situation in Poland settles down. These facts have a direct bearing on the Austrian situation.

While the Austrians refer to the large number of Polish nationals on their territory as "refugees", the United Nations High Commissioner for Refugees deems them "asylum-seekers". This term has no meaning under the 1951 Convention and in practice many of them will not merit recognition as refugees under the 1951 Convention. If the United Kingdom were to respond to the Austrian appeal in such a way as to appear to accept the Austrian description of their Poles as refugees we should be obliged to endow those Poles now in the United Kingdom on a temporary basis with a status and permanency which I do not feel they either merit or necessarily want. To attempt to blur the definition of refugee status or to find some new intermediate status would have the effect of turning what should be a humanitarian exercise for the benefit of those in internationally recognised need of resettlement refugees as properly defined, into an exercise which would be a single relaxation of normal immigration entry requirements. I cannot do this in the context of the many other immigration pressures I face.

I have considered very carefully how we might avoid this situation and yet respond with our traditional generosity to an international appeal. The office of the United Nations High Commissioner for Refugees indicated in a letter of 30th December to the Head of the Permanent Mission in Geneva that U.N.H.C.R. would be prepared to provide the necessary facilities in a selection process. It would therefore seem reasonable to require that, as a first step, any Pole in Austria seeking resettlement here was properly recognised as a refugee in accordance with the definition contained in the 1951 Convention. This would serve to distinguish those Poles in Austria seeking resettlement from those temporarily here.

I think it would also be reasonable to accept only those recognised refugees for whom, by ties of family, education or language, the United Kingdom is the most appropriate country of resettlement. Since, moreover, the voluntary refugee agencies are in no position to offer sponsorship or large-scale reception facilities, we must look to private sponsorship for those who wish to come here. These two conditions which could be applied with a measure of flexibility would help to enable those coming here to integrate rapidly and successfully into the community.

Finally, there is a risk that an applicant, who otherwise fulfills the criteria I have already outlined, might represent a threat to national security. It would be essential that applicants were individually acceptable.

/I believe that



I believe that a response on these lines would be a positive response, especially when viewed against what we are already doing for Poles in this country. We need to get our approach to what is likely to be a long term problem on sound lines at the start. If you agree with these proposals in principle, I should think the next step would be to take soundings about what other countries in Europe are prepared to do, if they are likely to respond too, the United Kingdom responses could then be made firm and presented as part of a wider European operation.

Obviously we should need to agree on the form and timing of any announcement and officials would need to work out the detailed administration arrangement.

I am sending a copy of this letter to the Prime Minister.

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