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Ref: TO125356

19 March 2009

Dear Mr Goodman

Thank you for your letter to the Home Secretary about Geert Wilders, which has been passed to the UK Border Agency for a response.

The contents of your correspondence have been noted. As you will appreciate, it is the general policy of the UK Border Agency not to discuss any individual's immigration status with a third party, so I am unfortunately unable to address all of the issues you have raised.

However, as Mr Wilders has commented publicly on his own particular case, I am able to confirm that he was refused admission to the UK under European Union law, whereby a member state of the European Economic Area (EEA) may refuse entry to a national of another EEA state if they constitute a threat to public policy, public security or public health. Where she judges that an EEA national should not be allowed to enter the UK on these grounds the Home Secretary may indicate to immigration officers that the person should be refused admission to the UK. If that individual subsequently seeks to enter the UK they will be examined by an immigration officer who will decide whether they should be allowed to enter the UK, taking account of the Home Secretary's views.

In the case of a non-EEA national whose presence would not be conducive to the public good, the Home Secretary has the personal power to exclude the individual from the UK.

Deciding on whether to refuse admission can be difficult, and it is important that the facts are separated from hearsay and allegation. In making an assessment on whether to deny entry to a person, the Home Secretary needs to form a view of the evidence, so as to act consistently, proportionately and reasonably in applying the

appropriate powers. In her consideration of Mr Wilders' case, the Home Secretary took particular note of the decision of the Amsterdam Appeals' Court that Mr Wilders should face trial for incitement to hatred and discrimination, charges that are similar to inciting racial and religious hatred under English law.

The Home Secretary also takes into account the views of relevant departments and agencies including the Foreign and Commonwealth Office, the Department of Communities and Local Government, and law enforcement agencies, as well as having regard to any representations made by groups and individuals.

The Government fully supports the principles of free movement for EEA citizens but not for criminals or for extremists intent on inciting hatred or discrimination, regardless of their religion or background. Freedom of speech is a fundamental right but one that must be used responsibly and not as a cover for causing offence and division.

Yours sincerely

A handwritten signature in dark ink, consisting of a large, stylized capital 'J' followed by a long, horizontal, slightly wavy line.

*On behalf of the Secretary of State for the Home Department*