

August 2010

Our reference: 87079

The Rt Hon David Davis MP
House of Commons
LONDON
SW1A 0AA

Thank you for your letter of 22 July about the case of Mr Sergei Magnitskiy.

Mr Browder and his team have been in regular contact with Foreign and Commonwealth Office officials and we have followed closely the case of Mr Magnitskiy and wider issues relating to Mr Browder's company. The launch of an investigation into the death in custody of Mr Magnitskiy was a welcome step. However, it is important that this investigation should be thorough and transparent if it is to address both human rights concerns and the effect of this case on investor confidence.

Mr Browder raised with my officials in March the issue of UK visas for the Russian Government officials that he has identified as being involved in this case. They advised him then of the circumstances under which it was possible for the Government to exclude individuals from the UK.

They advised Mr Browder that the Home Secretary may exclude an individual from coming to the UK where she considers that the individual's presence in the UK would not be conducive to the public good. The power is broad but must be used reasonably and consistently, and there must be a rational connection between the exclusion and the legitimate aim being pursued. This power may be exercised even where an individual has not applied to come here. The Home Secretary would need to be satisfied that exclusion was both proportionate and justified in the light of clear, credible evidence.

They also explained that these individuals, like all Russian nationals, would need to obtain a visa to visit the UK and that such an application could, in principle, be refused if the Entry Clearance Officer were satisfied that their presence in the UK would not be conducive to the public good, for example because of character, conduct or associations. Such a decision would attract a right of appeal.

If you would like to discuss this matter further, my officials are available to brief you. This could be arranged via [redacted], Personal Assistant to the Director for Russia, South Caucasus and Central Asia on [redacted] or by email on [redacted].

WILLIAM HAGUE