

4 AUGUST 2021

Private and Confidential

Minister Philp
Home Office
2 Marsham Street
London, SW1P 4DF

BY EMAIL

Dear Minister Philp,

Brook House Inquiry – Request for Home Secretary’s Undertaking

Thank you for your letter dated 19 July 2021.

The Inquiry forwarded a copy of your letter to all Core Participants on 27 July 2021 and informed them that the Inquiry considers that your explanation of how the exceptions within the undertaking operate are consistent with my proposal.

The Inquiry also confirmed that I intended to write to formally accept the undertaking and noted that any final determination as to how the undertaking applies will be fact sensitive and, if necessary, a matter ultimately for a Court or Tribunal to determine.

I have not received any responses from Core Participants to this update and, as such, I write now to formally accept the undertaking provided for in your letter of 19 July 2021 in the following terms:

An undertaking in respect of any current or former immigration detainee who provides evidence to the Inquiry relating to a matter within its terms of reference, including oral evidence, any written statement made for the purposes of the Inquiry, and any document, information or thing made preparatory to giving evidence or otherwise created for the purposes of the Inquiry.

1. *No evidence provided to the Inquiry by such a person may be used against that person by the Secretary of State for the Home Department:*
 - a) *in the course of any immigration proceedings within the jurisdiction;*
 - b) *in any immigration decision made by the Secretary of State for the Home Department;*

c) in any decision to detain or to seek to impose conditions in respect of immigration bail;

d) for the purpose of investigating any immigration matter or deciding whether to bring immigration proceedings.

Save that:

- (i) the Secretary of State may use such evidence where that person has themselves chosen to rely on such evidence and it is necessary for the Secretary of State to correct a false impression or assertion thereby made; and*
- (ii) the Secretary of State may use in immigration proceedings, including those listed in (a) to (d) above, evidence of a similar nature to that provided to the Inquiry by a current or former detainee, where the evidence on which the Secretary of State relies was obtained from a different source.*

The Inquiry will take this exchange of correspondence (your letter of 19 July and this letter) as meaning that the undertaking has effect from the date of this letter. Please confirm safe receipt.

Yours sincerely,



Kate Eves

Chair

Brook House Inquiry