



Kate Eves
Chair
Brook House Inquiry
IDRC
70 Fleet Street
London
EC4Y 1EU

20 April 2021

Dear Kate,

BROOK HOUSE INQUIRY

Thank you for your letter of 23 November to the Home Secretary. I am replying as the Minister for Immigration Compliance and the Courts. I am very sorry for the delay in responding.

After careful consideration, I have decided to grant your request for an immigration undertaking on substantially the same terms as those proposed in your letter of 23 November.

The Government takes the welfare of immigration detainees very seriously and we are concerned to ensure the Inquiry is able to establish the facts of what took place at Brook House and ensure that lessons are learnt to prevent these shocking events happening again. To that end, it is of utmost importance the Inquiry has access to all relevant material and I note that without reassurance on the potential immigration consequences they may face, you are finding that former, and potentially current, detainees are reluctant to give evidence. I am satisfied that an undertaking will assist the Inquiry in this respect.

I have also considered the implications for immigration control. I am satisfied that the material impact on the Home Office's ability to pursue necessary immigration action will be mitigated by: the fact that new information made available to the Inquiry that might give rise to immigration consequences would not ordinarily have been volunteered to the Home Office; by retaining the ability to act on evidence obtained from a different source, which for the avoidance of doubt would include evidence already held by the Home Office; and by our ability to correct the record.

Overall, therefore, I am persuaded it is in the public interest to provide an immigration undertaking on 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 provided to the Inquiry by a current or former detainee where it is necessary to do so to correct a false impression or assertion; 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.*

I trust this is acceptable. The Government looks forward to receiving further updates on the Inquiry's progress in due course.

Yours sincerely,



Chris Philp MP
Minister for Immigration Compliance and Justice