



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 1 - BAIL FOR IMMIGRATION DETAINEES ('BID')**

**Introduction**

1. In my [Opening Statement](#) on 21 July 2022, I explained that Modules would be announced and opened in sequence, with those wishing to take a formal role in the Inquiry invited to apply to become Core Participants for each module. On the same day, the Inquiry opened Module 1 and invited anyone who wished to be considered as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 15 August 2022 the Inquiry received an application from BID ("the Applicant") for Core Participant status in Module 1.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 1, thereby declining the application ("the Provisional Decision"), on 7 September 2022. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. The Applicant did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.



## Application

6. Applications for Core Participant status are considered in accordance with Rule 5 of the Inquiry Rules 2006, which provides:

*5.—(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.*

*(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—*

- (a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*
- (b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or*
- (c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*

*(3) A person ceases to be a core participant on—*

- (a) the date specified by the chairman in writing; or*
- (b) the end of the inquiry.*

7. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether the application fulfils the requirements of Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.

## Summary of Application

8. This application is one of five linked applications by organisations, all seeking to represent the interests of migrant communities in the UK in the Inquiry. While the organisations broadly represent the same interests, each is said to have distinct and important perspectives and expertise to offer to the Inquiry. The applicant in this case is Bail for Immigration Detainees (BID), which is described in the application as being an independent national charity, established in 1999 to promote access to justice for



those held in immigration detention. The application describes the type of legal advice and representation BID provides as well the lobbying, campaigning work and contributions it has made to various parliamentary inquiries, committees, reviews and policy consultations.

9. The application is made on the basis that BID played a direct and significant role throughout the pandemic by being a leading organisation providing legal advice and representation to and advocating for the rights of immigration detainees in the UK. It is also said that BID has a significant interest in the matters to be covered in the Inquiry, including inequalities. The application further sets out some of the issues it would seek to be addressed in Module 1 on behalf of those they represent.

### **Decision for the Applicant**

10. I acknowledge that those held in immigration detention were seriously impacted by the pandemic. I wish to repeat my ongoing commitment, as set out in the Terms of Reference and repeated in my Opening Statement, that inequalities will be at the forefront of the Inquiry's investigations. This will include a focus on the disparities evident in the impact of Covid-19 on different groups of people, including migrant communities.
11. Having considered with great care everything that is said in the application, I have decided, in my discretion, not to designate BID as Core Participants in Module 1. Whilst I appreciate the important work BID is said to have done during the pandemic and its expertise on the issue of immigration detention, the focus of Module 1 is on the resilience and preparedness of the UK in advance of the coronavirus pandemic. I do not consider that BID played a direct and significant role in matters to which Module 1 relates nor do I consider that they have a significant interest (of the kind required by the Rules) in the matters under investigation in Module 1.



12. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. BID is encouraged to consider making an application for Core Participant status in future modules dealing more directly with the impact of Covid-19 on public services, health inequalities and the vulnerable, including migrant communities.
13. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. BID may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
14. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. BID has the opportunity to contribute to the Inquiry, through the listening exercise if it chooses.
15. For all of those reasons, having considered all of the information provided by BID, in light of the Provisional Outline of Scope for Module 1, I consider that BID did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor does BID have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that BID should not be designated as a Core Participant in Module 1 and I confirm that this is my final decision.



16. I will keep the scope of Module 1 under review. My decision not to designate BID as a Core Participant in Module 1 does not preclude BID from making any further applications in respect of any later modules. I will consider any future applications BID may wish to make on their merits at the time they are made.

**Rt Hon Baroness (Heather) Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**29 September 2022**