THE UK COVID-19 INQUIRY: MODULE 10

SUBMISSIONS ON BEHALF OF

THE MIGRANTS' RIGHTS CONSORTIUM ('MRC')

FOR THE 2nd PRELIMINARY HEARING, 4th NOVEMBER 2025

INTRODUCTION

1. As described at the first Preliminary Hearing in Module 10, the nine constituent organisations of the MRC (the Joint Council for the Welfare of Immigrants, Kanlungan, the Independent Workers of Great Britain, United Voices of the World, Project 17, Together with Migrant Children, JustRight Scotland, Doctors of the World UK and Medact) have as their unifying focus the rights and interests of migrant people in the UK.

2. The MRC are grateful to Counsel to the Inquiry ('CTI') and Solicitors to the Inquiry for the helpful notes dated 7 October 2025 and other documentation provided in advance of the second Preliminary Hearing, including the draft provisional List of Issues ('LoI').

3. These submissions address:
    a. The distinct impact of the pandemic on migrant people;
    b. The LoI;
    c. Expert evidence; and
    d. Witness evidence.

SUBMISSIONS

The distinct impact of the Covid-19 pandemic on migrant people

4. The MRC's constituent organisations all represent and support migrant people in the UK. Migrant people who are foreign born but not naturalised as British citizens, as distinct from other non-migrant minoritised ethnic groups in the UK, are subject to immigration control. Being subject to immigration control applies both to those migrants who fall within 'the immigration and asylum system,' in the sense that their presence in the territory of the UK is recognised by the Home Office, and to those who are outside of the system because their presence is not recognised.

5. As a result of being subject to immigration control, a suite of laws and policies applies to migrant people which does not apply to other non-migrant minoritised communities. As the MRC explains in its witness statement, the Hostile Environment and No Recourse to Public Funds ('NRPF') measures applicable to many migrants had a particular adverse impact on their ability to access essential services, including healthcare, benefits, food and other services. This is because both measures operate along the same exclusionary logic: they create a system in which many migrant people are prevented from accessing essential services and mainstream welfare benefits. The effect of the exclusionary system was exacerbated during the Covid-19 pandemic, when, for example, timely and unimpeded access to healthcare was critical, and when restrictive measures taken in response to the pandemic impacted on jobs and financial well-being.

6. Other impacts of the Covid-19 pandemic that were specific to migrant people and resulted from immigration control included delays and visa backlogs and the prohibition on work applicable to certain migrant people, such as asylum seekers.

7. Hostile Environment and NRPF measures in particular are key drivers of the unequal impacts that operate on migrant people in distinction from other minoritised ethnic or other non-migrant communities. There is evidence available to the Inquiry that suggests that during the Covid-19 pandemic, migration status was a risk factor that is separate and additional to other axes of inequality, specifically ethnicity and race. This was reflected in data collected during the pandemic and reported in the 'Health Service Journal' on 22 April 2020 by Professors Cook and Lenane. It indicated that nearly 83% of ethnic minority healthcare worker deaths were individuals who had been born outside of the UK.[1]. The article identifies migration as a risk factor to be considered along with ethnicity. It is important, therefore, for the Inquiry to consider the impact of the Covid-19 pandemic on migrant people separately from the impact on non-migrant minoritised ethnic communities and other non-migrant minoritised demographic groups. It is also through such consideration that the role of intersecting inequalities can be explored fully. The MRC's overarching submission that separate consideration of migration status, as a key driver of unequal impact, is necessary in Module 10 informs the further points it makes below.

[1] INQ000352887. The report was disclosed in Module 3 but has not yet been re-disclosed in Module 10. The Inquiry is requested to do so given the relevance of the findings within it to the scope of Module 10.

Provisional List of Issues

8. The MRC is grateful for the opportunity to comment on the draft provisional LoI and for the indication that the LoI will be kept under review and will be likely to develop throughout the investigation. The below submissions are made with a view to such continuing review.

9. The MRC is heartened to see that there are categories within the LoI within which the impacts of migrant people can be accommodated and heard. In addition to the impacts on those within the immigration and asylum system (LoI, paragraph 17(a)-(b)), we note that many of the overarching issues identified in the LoI will have particular relevance to migrant people. In particular, we understand differences and unequal impacts as a result of 'demographic' disparities to include the impacts on migrant people as a result of their subjection to immigration control (LoI, paragraphs 4 and 5).

10. The MRC further observes that several of the thematic issues are of relevance to many migrant people and the MRC's evidence, including: mental health and well-being (LoI, paragraph 9); key workers (paragraph 14); housing and homelessness (paragraph 15); and the justice system (LoI, paragraph 19). As is clear from the MRC's witness statement and the documents exhibited, matters relating to migrant people featured prominently in all these areas during the Covid-19 pandemic.

11. While taking into account the welcome breadth and flexibility of the LoI, the MRC considers, however, that there are certain aspects of the impact of the pandemic on migrant people that are likely to require greater scrutiny and which are not expressly referenced. First, it is anticipated that the Inquiry's investigation in Module 10 will need to consider the impact of the pandemic both on those migrant people who are within the immigration and asylum system as well as on those who are outside of it (in the sense set out at §4 above). At the first Preliminary Hearing in Module 10, CTI confirmed that there was no intention expressly to exclude the impact of the pandemic on undocumented migrants. While paragraph 17 of the LoI expressly refers to those 'within the immigration and asylum system,' there is no corresponding reference to those migrant people who are 'outside.' Whereas the position of people who are outside of the system, including some undocumented migrant people, may be considered under the cross-cutting paragraphs (LoI, paragraphs 1-8) and under some of the thematic issues (for example, housing and homelessness, LoI paragraph 15), the Inquiry's investigation would benefit from greater clarity in paragraph 17 of the LoI by expressly including all migrant people, including those who are not 'within the system.'

12. Secondly, we note that there is no reference within the LoI to the central drivers of unequal impacts for migrant people during the pandemic, namely NRPF and Hostile Environment measures. These twin exclusionary measures are central to understanding the differential and unequal impact of the pandemic on migrant people (as opposed to its impact on other non-migrant minoritised communities). Further, as the MRC makes clear in its witness statement, the non-suspension of these measures during the pandemic had a significant impact on the ability of migrant people to access essential services. We consider, therefore, that the impact on migrant people cannot properly be considered unless both 'measures introduced in response to the pandemic' (see eg, LoI, paragraph 17(a)) and measures <u>not</u> introduced in response are considered, including the absence of measures suspending NRPF and the Hostile Environment policies.

13. Thirdly, the MRC considers that it will be important for Module 10 to investigate the closure of, or other limitations on access to, informal support networks and community spaces during the Covid-19 pandemic. These include the community centres, advice clinics, including immigration clinics, food banks and libraries which often provide vital support for minoritised and/or vulnerable communities, including migrant communities. In addition to limitations on access to the justice system, including to lawyers and legal aid (LoI, paragraph 19) and access to digital technologies (LoI, paragraph 3), limitations on informal and community support networks had significant impacts on migrant people, as described in the MRC's witness statement (see, eg, at paragraphs 200-203).

14. Whereas the LoI recognises the impact of the pandemic on other community services, such as sport, culture and religion (LoI, paragraphs 10, 11, 13), comparable examination of the impact of the pandemic on the type of community support networks often relied upon by migrant communities is not recognised expressly within the LoI. The Inquiry's investigation would benefit from examination of these other informal community services given the often significant impacts of the closure of, or limitation on access to, such services felt by many vulnerable and minoritised communities, including many migrant groups.

Expert evidence

15. The MRC has been in correspondence with the Inquiry since 29 April 2025 in relation to the importance of expert evidence on the impact of the pandemic on migrant people and had expressed particular interest to the Inquiry Team in the report of Professors Marmot and Bambra on that issue. On 13 October 2025, following the receipt and consideration of the report of Professors Marmot and Bambra on the impact of the pandemic on health inequalities the MRC wrote to the

Inquiry highlighting the absence of evidence on the impact of the pandemic on migrant people in that report. The MRC observed that the report itself made clear that the instructions in Module 10 were limited "only to examine inequalities by socio-economic status" (paragraph 43), thereby excluding all other bases of inequality. The report then set out the authors' understanding that: "other key axes of inequality (e.g. gender, ethnicity, socially excluded minority groups and inclusion health groups) … are examined elsewhere in the Inquiry" (paragraph 43).

16. The MRC's letter requested clarification in the first instance of where else the specific impacts and inequalities by reference to migration status were to be found, or would be, considered in the expert evidence within Module 10. Alternatively, if no detailed consideration of migrant people within the expert reports in Module 10 was envisaged, the letter requested the reasons for this decision. Accordingly, the letter was a request for information.

17. With a view to the related submissions at §§5-7 above, the MRC's letter also stressed the distinct and significant impacts of the Covid-19 pandemic on migrant people. The MRC included the following striking statistics in relation to health related outcomes: "[d]uring the second wave, migrants were found to have a 22% increased chance of testing positive for the virus compared to those who were born in the UK"; "between March 2020 and November 2021 in the UK migrants had 35% higher COVID-19 related hospitalisation risk compared to the UK born population" [INQ000273843]; and in May 2020, 22% of Covid-19 deaths amongst NHS nurses were Filipino, despite representing 3.8% of the nursing workforce [INQ000474440]. This underlines that being a migrant was a specific risk factor during the pandemic and separate to ethnicity.

18. The Inquiry Team understood the MRC's request for information to amount to a request for further expert evidence (see CTI's Note for the second Preliminary Hearing ('CTI's Note'), at paragraph 13) and responded on 20 October 2025 to state that it was satisfied that the evidence it had received to date concerning the impact of the pandemic on migrant communities sufficiently covered the matters raised in the MRC's letter that were within scope and that it was not, therefore, necessary to obtain expert evidence. To be clear the MRC has not requested further expert evidence from different experts but for the impact on migrants to be considered by those experts already providing evidence, such as Professors Marmot and Bambra, as they did in module M1 where coverage of migrants was not expressly excluded as it appears to have been in this module.

19. As a result of the Inquiry's response, the MRC remains unclear whether the Inquiry considers that the specific impact of the pandemic by reference to migration status has been considered within the expert evidence in Module 10 or, if not, the reasons for this exclusion. We are also unclear as to the

meaning of the reference in the Inquiry Team's response to matters raised within the MRC's letter that were within scope. The MRC's understanding is that since all the matters raised in its letter related to impacts of the pandemic on migrant people, as set out in the witness statement in response to the Inquiry's Rule 9 request, these all fall within the scope of Module 10. As a result of the unresolved questions that the MRC has in respect of the expert evidence, we invite and would welcome a conversation with the Inquiry Team before the second Preliminary Hearing to obtain clarity on these questions and to enable the MRC to make efficient and focused oral submissions.

20. In terms of the evidence currently before the Inquiry relevant to migrant communities, while there is, of course, overlap with other axes of inequality, in particular, race and ethnicity, the two risk factors cannot simply be elided (see §§4-7 and 17 above). There are impacts of the pandemic, including mortality, which were statistically significant and which applied solely to migrants. The expert report of Professors Nazroo and Becares on race and ethnicity does not acknowledge a separate impact on migrant people. While there is tangential reference to migrant people or people born outside of the UK in their report, these are examples used in relation to findings about race and ethnicity. None of the other expert reports disclosed to Core Participants has covered migrant people beyond passing mention.

21. As regards other evidence currently before the Inquiry, beyond the MRC's own witness statement and exhibits, there is no other comprehensive consideration of the impact of the Covid-19 pandemic on migrant people and of the distinct risk factor of migration status. Given the available data on factors including the higher rates of mortality experienced by migrant communities, it will be important for the Inquiry's investigation to analyse and understand the reasons for these impacts on migrants separately from other intersecting drivers of inequality, such as race and ethnicity. The MRC seeks to understand how this statistically significant risk factor can best be scrutinised proportionately, comprehensively and publicly.

22. The MRC remains concerned that there will be a glaring omission in the Inquiry's investigation in this module without expert evidence addressing the relationship between policies such as those promoting the Hostile Environment, and NRPF, and the high rate of migrant mortality, a significant impact by any standard.

Witness evidence

23. The MRC notes that a Provisional List of Witnesses will be circulated after the second Preliminary Hearing (CTI Note, §40). We understand, as set out in CTI's Note, that oral evidence will not be heard on every aspect within scope or every issue on which written evidence is received (§41). Given the specific impacts on migrant people, the nature of those impacts and the numbers of those affected (as reflected in the submissions above), and the absence of expert evidence on this key driver of unequal impact, oral evidence from the MRC takes on a more significant role in assisting the Inquiry in addressing the key questions for investigation as set out in the LoI.

24. In particular, evidence from the MRC on the effect of the key drivers of the unequal impact of the pandemic on migrant people will be important at the final hearings to ensure a comprehensive investigation of the impact of the pandemic. The data on the higher rates of mortality and exclusion experienced by migrant people make it particularly important that their voices are represented and heard.

CONCLUSION

25. The MRC looks forward to continuing to assist the Inquiry in Module 10. The MRC proposes to supplement these written submissions with brief oral submissions at the hearing on 4th November 2025 in order to deal further with the matters raised above, any responses from the Inquiry Team or from the submissions of other Core Participants.

ASWINI WEERERATNE K.C.
ROWENA MOFFATT
Doughty Street Chambers
On behalf of the Public Interest Law Centre
22 October 2025