

HM Inspectorate of Prisons

# Foreign national prisoners: a thematic review

July 2006

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## Introduction

In little over a decade, the number of foreign nationals in prisons in England and Wales has trebled. In April 2006 there were 10,000: accounting for 13% of the prison population as a whole, and one in five of the women in prison.

For the last five years, this Inspectorate has been urging individual prisons, the Prison Service and the National Offender Management Service to draw up and implement national standards for the conditions and treatment of this group. This has not happened: indeed, the Prison Service firmly rejected the need for any such specific policies.

At the same time, our reports have criticised the lack of attention given to this group by the Immigration and Nationality Directorate (IND). In my annual report, I described them as 'dilatatory' and pointed to 'poor communication between IND and individual prisons, and inefficient practices within IND itself'.

There are isolated examples of good practice. But, as this thematic report shows, there is as yet no effective and consistent approach, that ensures proper support for foreign nationals while in prison, and coherent, timely planning for what happens to them afterwards.

This became startlingly apparent just after the fieldwork for this report was completed, when it emerged that many foreign nationals leaving prison had neither been identified nor considered for deportation. This was not because of a gap in legislation or powers. It was an acute symptom of the chronic failure of two services to develop and implement effective policies and strategies for people who were not seen as a 'problem': though in fact, as this report shows, they were people who had many problems, which were not sufficiently addressed.

A national strategy for managing foreign national prisoners should not begin and end with the question of the legal powers and processes of deportation. The first building block must be the identification, and provision of support for, foreign nationals within the prison system. As this report and our individual inspections show, this is far from the case. Few prisons inspected have effective foreign national prisoner strategies. Indeed, most prisons do not even know with any accuracy how many, or which, foreign nationals they hold. Communication with the courts, even in relation to court recommendations for deportation, is poor: as is communication within and between prisons. Establishing nationality is not always easy, and prisoners themselves may not know, or admit, the nationality they hold. But even where this is not in doubt, prisons are likely to make assumptions, sometimes based upon colour or ethnicity, or to fail to record properly the information they have.

Identification is only the first step. As the report makes clear, foreign nationals, though a divergent group, have a recognisable cluster of specific needs. Our research identified three that are both serious and prevalent, across all groups. They are: language, family links and immigration. The three are interlinked, and can result in isolation, depression and confusion. Family links were particularly important for women prisoners, many serving long sentences for drug importation; while young prisoners tended to be unaware of the serious potential consequences of their sentences.

Though most staff recognised these problems, they did not realise how serious they were and many did not know how to respond, or what resources were available. Over 80% of comments from foreign national prisoners referred to staff intolerance of language or cultural difference. Race, religion, language and residence played a significant role in foreign nationals' experience of prison. Muslim prisoners and visible minorities were more likely to report discriminatory treatment; those who did not speak English, or had not lived in this country, had the greatest problems.

It is therefore essential to have a national strategy for the treatment of foreign national prisoners. That strategy must be backed by auditable standards, service level agreements or contractual requirements that ensure that each individual prison has in place the processes and resources needed to make sustained progress in this long-neglected area. The examples of good practice that we came across show what can, and should, be done; but in the absence of an enforceable strategy they were pitifully few in number and generally achieved by small numbers of dedicated staff crying out for some form of effective national guidance and support.

The second essential building block is better liaison between IND and prisons. Ignorance, confusion and concern about immigration was one of the main issues identified by both staff and prisoners. Some prisoners faced removal at the end of sentence; others risked having deportation action taken against them. Both staff and prisoners expressed extreme frustration at the lack of support and contact from the immigration authorities. In all 10 of our fieldwork prisons, staff complained that the formal channels of communication with IND's criminal casework team were ineffective and wasted their time. Messages went unanswered, faxes disappeared, and there were no clear lines of accountability and responsibility. Cases were often acted on at the last minute, with no warning or possibility of preparation. This was exacerbated by the fact that little independent legal advice was available for those facing removal or deportation, to explain or take forward their cases. The occasional IND surgeries in prison came nowhere near meeting the need.

The failure to consider deportation action for some of those released into the UK is only one illustration of this systemic failure. Another has been the failure to arrange speedy deportation or removal for the many foreign nationals who want and need to return home as soon as their sentences end. But in practice not all foreign nationals will be removed or deported: there will be some for whom deportation action is neither fair nor sustainable, given the nature of the offence, their country of origin and their family and residence ties with the UK.

The third essential building block of provision is to ensure that all foreign nationals are prepared for their eventual removal or release. All of them need to know, as early as possible in sentence, whether or not it is proposed to deport or remove them. They need to have access to appropriate regimes: not only to reduce the risk of reoffending, wherever they are released, but also because safety, security and decency within prisons depend upon prisoners having access to purposeful activity. This review shows that foreign nationals reported significantly poorer support and sentence planning than British nationals – sometimes because their participation in activities did not contribute to prisons' key performance targets. It also shows that essential links with statutory services, such as probation, were sometimes ineffective, with consequences for public protection.

This thematic report points to systemic failures, at all levels, in the support, care and management of foreign national prisoners. The deportation debacle earlier this year brought the issue out of the shadows and into the light of public and political attention. But it is important that the response to that addresses the underlying causes, rather than simply reacting to one of the symptoms.

The message of this report is clear: the need for a well-managed and consistent strategy, built on timely and defensible decision-making in each individual case; properly-focused support in and beyond prison, and efficient links with the immigration authorities. That is the only approach that is workable, effective and humane for foreign national prisoners and the prison system as a whole.

**Anne Owers**

HM Chief Inspector of Prisons  
July 2006

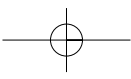
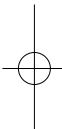
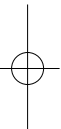
## Background

- 1 Foreign national prisoners in England and Wales have trebled in number since the early 1990s, increasing from 3,446 (7.8% of the prison population) in 1993 to 10,289 (13%) on 30 April 2006. The number of foreign national women has risen from 283 in 1993 to 880 in April 2006, when they made up 20% of the female prison population.
- 2 One reason for this is the increased sentence lengths for drug importation offences. A disproportionate number of foreign nationals are imprisoned for such offences: in April 2006, 25% of all foreign national prisoners were convicted of drug-related offences, compared to 12% of British prisoners. The number of foreign nationals imprisoned for fraud and forgery offences (typically possession of false documents) has also risen dramatically. In 1994, 229 foreign national prisoners were charged with such offences, but this had risen to 1,995 by 2005.
- 3 In April 2006, foreign national prisoners came from 172 different countries. Jamaicans (1,516) and Nigerians (904) constituted the two largest single nationalities. In regional terms, the highest proportion was from Europe (30% of the foreign national population), with individuals from the Irish Republic accounting for nearly a quarter of this number. The largest proportion of the female foreign national population was from Africa (38%), with over half of this number coming from Nigeria.

**Table 1 Foreign national prisoners by region in April 2006 (RDS statistics)**

	Male	Female	Total
Africa	26%	38%	27%
Asia	15%	8%	15%
Central and South America	3%	5%	3%
Europe	30%	26%	30%
Middle East	6%	1%	6%
North America	1%	3%	1%
Oceania	1%	<1%	1%
West Indies	17%	19%	17%
<b>Total foreign national population</b>	<b>91%</b>	<b>9%</b>	<b>100%</b>

- 4 This review deliberately chose prisons outside London, as what little research had so far been undertaken on foreign nationals tended to focus on London prisons. The objectives were to:
  - ◆ provide information that could help in the planning of appropriate services for foreign national prisoners
  - ◆ examine the diversity of experiences and differential treatment of foreign national prisoners according to nationality and ethnicity
  - ◆ examine the standard of work in relation to those at risk of deportation or removal, especially the quality of joint working between the prison and IND
  - ◆ examine the quality of pre-release work for foreign nationals
  - ◆ identify good practice in prisons.





# Chapter 1– Main needs and problems

## Summary

- 1.1 **This chapter seeks to establish the main needs and problems specific to foreign national prisoners. It draws mainly on the results of in-depth interviews with foreign national prisoners and staff, in which interviewees were asked to identify problems and rate their severity on a scale of 1 to 5 (see methodology appendix 1). It also incorporates findings from a database of Inspectorate prisoner surveys.<sup>1</sup>**
- 1.2 **Three primary issues emerged from the prisoner interviews as requiring the specific attention of foreign national coordinators and strategies: family contact, immigration and language. Family contact and immigration were the two most serious problems reported by virtually every category of prisoner regardless of nationality, ethnic background, gender and age. However, family contact was especially problematic for women. Language problems affected those from Vietnam, China, Eastern Europe and the Middle East most acutely. In addition to these primary issues, foreign nationals reported other generic problems, many of which they shared with other minorities. Black prisoners reported the most problems with racism, and staff and prisoners both reported negative stereotypes and prejudice towards Muslims.**
- 1.3 **With few exceptions, staff were aware of the primary problems faced by foreign nationals, but rated them as being less serious than did the prisoners themselves. They also underestimated the impact of general diversity issues such as racism and lack of culturally diverse foods.**

## Prisoners' experiences

- 1.4 There are foreign national prisoners from diverse backgrounds in virtually every prison in the country. In April 2006, the recorded foreign national prisoner population stood at 10,289, and included 880 women and 1,015 young people<sup>2</sup>. Despite this, there has, until now, been no largescale or definitive research to establish the main needs and challenges presented by this population: something that is essential to the development of an effective foreign national prisoner strategy.
- 1.5 This chapter addresses that gap. It draws mainly on in-depth interviews conducted with 121 foreign national prisoners and 57 members of staff in 10 fieldwork prisons. Interviewees were asked about their problems (to determine prevalence) and how serious those problems were, on a scale of 1 to 5 (to determine seriousness). The chapter also draws on information from prisoner surveys completed by 5,949 prisoners of all nationalities in 69 prisons between April 2003 and April 2005 (see summary of methodology in appendix 1 for more details).
- 1.6 The two most serious and prevalent issues reported by prisoners were family contact (reported by 55% of interviewees, with an average rating of 4 when identified as a problem) and immigration (47%, also with an average rating of 4) (see Table 2). Preparation for release (43%), language problems (41%) and health (41%) were also prevalent issues and all had seriousness ratings of 4 from those who identified them as problems. Although food (55%) was reported as a highly prevalent problem, it was not rated as being so serious, and received an average rating of 3.

<sup>1</sup> Multilingual prisoner surveys of a representative sample of a prison's population are conducted during all full inspections. For the purposes of this thematic review, we analysed all survey results collected between April 2003 and April 2005.

<sup>2</sup> This comprised 161 under-18s and 854 18-21 year olds.

**Table 2 Problem areas identified by prisoners and their severity**

Problem	Prevalence	Severity (if identified as a problem)
Family contact	67 (55%)	4
Immigration	57 (47%)	4
Preparation for release	52 (43%)	4
Health	50 (41%)	4
Food	66 (55%)	3
Information about prison	45 (37%)	4
Language	50 (41%)	3.5
Legal services	36 (30%)	4
Respect	48 (40%)	3
Canteen	47 (39%)	3
Isolation	39 (32%)	3.5
Racism	42 (35%)	3
Ethnicity	35 (29%)	3
Religion	25 (21%)	3

1.7 We also asked prisoners to confirm the three biggest problems and then scored each answer to produce an overall problem seriousness score (see Table 3 below). This exercise confirmed the findings above, with family contact and immigration emerging as easily the most prominent problems, while food was confirmed as a relatively less serious issue in sixth position on the overall scale of seriousness. Though language and health apparently emerge as equal, 71% of prisoners who mentioned language identified it as their most serious problem, compared to only 32% of those who mentioned health.

**Table 3 Three main issues identified by prisoners**

Problem	Prevalence	Seriousness score
Family contact	61 (22%)	151
Immigration	37 (14%)	87
Language/communication	21 (8%)	54
Health	28 (10%)	54
Prep for release	20 (7%)	42
Food	19 (7%)	35
Isolation	15 (5%)	32
Respect	18 (7%)	30
Religion	7 (3%)	18
Information about prison	10 (4%)	17
Legal services	10 (4%)	16
Racism	8 (3%)	16
Pay/wages	7 (3%)	15
Canteen	4 (1%)	6
Property	3 (1%)	4
Education	2 (1%)	4
<b>Total</b>	<b>273</b>	<b>—</b>

## Primary issues

### Family contact

- 1.8 Over a third of interviewees said they had not had a visit since arriving at their establishment, and our prisoner surveys showed that foreign nationals had significantly more problems keeping in touch with their families than British nationals. Twice as many foreign nationals (18% compared to 9%) did not know what their visits entitlement was, and only 66% felt that they received the number of visits that they were entitled to, compared with 80% of British nationals. Thirty-four per cent of foreign national respondents to the survey said they had had problems using the telephones, sending or receiving letters, compared to 30% of British nationals. The fact that this divergence is not far higher points to the efforts that many prisons had made to assist foreign nationals to stay in touch with families through extra airmail letters and free monthly international phone calls. However, the latter were generally provided in lieu of visits and meant that if foreign nationals had friends or family in the UK and also close family members abroad, they effectively had to choose which family members they were going to stay in touch with.
- 1.9 Comments on family contact were associated with language, immigration, isolation, information about the prison, pay, canteen and transfer:

*“My family is in Pakistan, I have had no contact at all with them – I am beside myself with worry as they will be wondering what has happened to me.”*

*“Prison Service give £12 month, I earn £13 a week, phone card is £10 for 4 mins. I have to choose to call or send money home. Also have to choose whether to speak to wife or my parents.”*

*“Visits are difficult because of security, distance is also a problem for my family. My girlfriend’s English is poor – she can’t answer basic questions from staff.”*

*“I have nobody – my family visits rarely as it is difficult to get here.”*

*“They do nothing – I don’t know what is going on. It affects my family as well.”*

### Immigration

- 1.10 The vast majority (91%) of those with identified immigration issues said they had problems compared with 62% of those without immigration issues, and in 83% of these the problems were something other than immigration. Comments about immigration were associated with language, preparation for release, legal services and information about the prison.

*“My ERS [early removal scheme date] has passed – I have never seen an immigration officer. There is a general lack of information and progress. No advice and legal officers are unsure about immigration.”*

*“You get your information from other prisoners; the only time you hear from immigration is when you are called to resettlement to collect papers.”*

*“I am not sure when I will be deported, and I can’t ask [because doesn’t speak English]!”*

## Language

- 1.11 Only 26% of foreign national interviewees said their main language was English, and individuals from Eastern Europe, Asia and the Middle East were least likely to have English as main language (see appendix 2). Eighty-three per cent of those who had to be interviewed with the help of interpretation reported other needs, compared to 67% of those who were interviewed without interpretation, and in 78% of cases these problems were other than language. In fieldwork, most (85%) prisoners claimed their English was good enough to be interviewed without an interpreter, but several then found it too difficult to express themselves without such assistance. The fact that language figured so highly as an issue when we sought to identify the main problems faced by prisoners suggests that there are likely to be many levels of understanding within the foreign national population, which fall short of complete comprehension.
- 1.12 Language was associated with almost all other problems, particularly with isolation, information about the prison, legal services, food, immigration, health, respect, culture and ethnicity.

*“I have no English, nothing is explained and I can’t ask anything.”*

*“It was a big problem initially, but my English is improving. I don’t like using prisoners as interpreters; they tell your problems to others – this is why I am trying to learn English.”*

*“Turkish guys left in corner as can’t communicate. Association is split – people move towards people where language is more familiar.”*

Similarly, comments such as the following made in relation to food, respect and isolation relate directly to language:

*“I don’t understand the menu; don’t understand and can’t choose.”*

*“Foreign nationals who can’t speak English are often ignored or shouted at by staff, they do not understand that we cannot understand all that they say.”*

*“Every night I cry. I don’t speak the language and it is killing me little by little.”*

*“I am very depressed; there are no other Kurdish people here. There is no common language, so I communicate with Indian and Pakistani prisoners by sign language.”*

## Women, young people and adult men

- 1.13 Table 4 shows the prevalence of primary problems across prisons of different type and confirms that there were some differences between women, men and young adults. In relation to family contact, 71% of women considered this a problem compared to 59% of adult men and only 32% of young people (all rating it as 4, a big problem). This is likely to reflect the fact that women were more likely than men to be the primary carers of their children. Similarly, 63% of women considered immigration to be a problem, compared to 49% of men and only 28% of young people. As immigration detention delays the return to family, it is possible that for many women the two issues were connected. Interestingly, though a big problem for adult men, language was a less prevalent and less important issue for both women and young people.

1.14 Overall, young people were generally less likely to say they had difficulties, but saw them as being of similar or greater seriousness than did women and adult men (see appendix 3). More young people (40%) were ignorant of their immigration status than adult men and women (15%); and, perhaps for that reason, fewer rated immigration as a problem. However, those young people who did so rated it as 5 (a very big problem) compared to a rating for adults of 4 (a big problem). The young people who classified immigration as a very big problem were also the least likely to say that they had been offered any immigration help, indicating a serious gap in available services for young adult prisoners.

**Table 4 The proportions of adult men, women and young prisoners identifying primary issues as problems**

	Adult men		All women		Young prisoners		All prisoners	
	% (No)	rating	% (No)	rating	% (No)	rating	% (No)	rating
Family contact	59 (42)	4	71 (17)	4	32 (8)	4	55 (67)	4
Immigration	49 (35)	4	63 (15)	4	28 (7)	5	47 (57)	4
Language	47 (33)	4	38 (9)	3	32 (8)	3	41 (50)	3.5

## Generic issues

1.15 After language, immigration and family contact, a range of other problems were identified that were shared with British prisoners and which are described here as generic issues. They are to do with provision for different cultural tastes, religions and ethnic needs, health, and perceived discrimination. They fit uneasily into a foreign national prisoner policy as they are not specific to foreign nationals and are better addressed within an overarching diversity or race relations policy covering wider minority ethnic issues. Prisoners' comments support such an interpretation.

### **Food and canteen**

1.16 In relation to food, about a half of comments were about poor quality or variety of food, while about a third concerned food not being what they were used to, or queries over whether halal meat was really halal.<sup>3</sup> Nearly all the comments about canteen were about expense and limited choice of goods, something that is also a common complaint among British black and minority ethnic prisoners.

*"There is a limited selection of goods; there was nothing for Ramadan; no Islamic magazines or tapes."*

### **Racism, respect, religion, culture and ethnic background**

1.17 A third of interviewees categorised themselves as white (34%), followed by black African (26%), black Caribbean (11%) and Asian (11%). Prisoner comments about experiences of discrimination and general racism were split equally between those from staff and from prisoners. In relation to culture and ethnic background, comments also referred to staff not understanding other cultures. Nearly 80% of prisoner comments were about disrespectful treatment by staff, often as a result of intolerance of language or cultural difference.

<sup>3</sup> This also emerged during our earlier race thematic review *Parallel Worlds* (HMIP, 2005).

*“I have been called a dirty foreigner by inmates, and I have observed racist comments to black prisoners. You get treated better as a white foreign national than a black person.”*

*“Some officers have commented on Muslims –I have put in a RIC [racist incident complaint]. They were linking all Muslims with bombings.”*

*“Racism from officers, shout ‘fucking foreigner’.”*

*“Staff won’t allow me to share cell with my friend. They ignore me because I can’t speak English; sometimes I feel I am invisible.”*

*“Staff do not understand my culture, so ignore me.”*

- 1.18 About a quarter of the comments made about religion were related to the prison not recognising or catering for specific religions and about a fifth concerned discriminatory comments made towards Muslims.

*“If you are not [Christian] or a Muslim – your religion is not understood.”*

*“Some joke that Muslims are terrorists. I was asked why suicide bombings are right; I don’t think it is right. This happened in education – so I don’t go there anymore.”*

- 1.19 The picture is complex, but it is clear from these comments that being from a different culture causes gaps in understanding and communication for foreign prisoners, and that those who are from a visibly different ethnic group suffer a further jeopardy because of this.

### **Health**

- 1.20 Health was the most obvious standalone issue and seemed to have few links to the other problems. It was the most discernibly generic problem reported by foreign nationals, in that it seemed likely that similar comments could be made by any other prisoners (see healthcare chapter for further discussion).

### **Diversity of experience**

- 1.21 Although there was a range of common problems and needs that justified attention to foreign nationals as a distinct category, we also examined the extent to which different foreign nationalities’ experiences and needs varied. Specifically, we asked whether foreign nationals were treated differently on the basis of nationality, skin colour or religion. We found a strong tendency for Eastern Europeans to perceive no difference in treatment according to ethnicity or nationality, and fairly mixed results for the other groups on these two indicators. Once the comments were analysed, differing language skills, cultural familiarity – or lack of it – and negative stereotyping about black people and foreign nationals emerged as the strongest underlying reasons for perceptions of prejudicial treatment in relation to nationality and skin colour. We found that few foreign nationals perceived different treatment on the basis of religion, but of those who did, negative perceptions in relation to Muslims were most prevalent.



### **Nationality and regional identity**

- 1.22 About 40% of prisoners believed that other nationalities had different experiences from themselves. A third of their comments identified the ability to speak English as an advantage, while a number of other comments concerned Europeans being treated better than non-Europeans.

*“Language ability leads to different experiences; if you are English speaking it is easier. For example, a bullied woman couldn’t explain to staff what was happening because staff used a prisoner interpreter who was no good.”*

*“[Differences] ...in treatment from officers and in generalisations made about nationality. Third world country versus rich European country, your treatment is different. Seen as economic migrants.”*

- 1.23 In addition, our own analysis of the problem profiles of different nationalities indicated that individuals from the Middle East were most likely to have immigration problems (64%), and to give this problem the highest seriousness score of 5. They were also more likely than any other group to be ignorant of their immigration status. They had a high likelihood of experiencing language problems and of difficulties as a result of being Muslim. This group is therefore particularly vulnerable for a range of reasons, which confirms the importance of a foreign national strategy which is closely linked to the management of race relations within a wider diversity strategy.

### **Skin colour**

- 1.24 White foreign nationals made up a third of the foreign national sample. When we asked if white foreign nationals were treated differently from black or Asian foreign nationals, over two-thirds felt that foreign nationals were treated the same, although this was generally in the context of the perception that all foreign nationals were treated poorly whatever their origin. About a third of interviewees believed that white foreign nationals were treated differently, with roughly similar proportions of women, men and young adults holding this view. Nearly half of further comments were about white foreign nationals having an easier life in prison:

*“Whites stand a better chance of survival.”*

*“White people are all treated better; if you are white you are recognised as Europeans – so share the culture of officers.”*

*“Black people, or who are more identifiably from a different country are treated much more poorly.”*

- 1.24 When the interviews were broken down by ethnic group, the results showed a mixed picture (see appendix 4). Black and Asian foreign nationals were the most likely to report problems in the areas of racism, religion and respect. When interviewees were asked specifically about discrimination on the basis of ethnicity, those from the Middle East, Vietnam and four other single nationalities that made up the category of ‘other’<sup>4</sup> were more likely than white prisoners to report problems. The ‘other’ group also reported worse experiences in relation to all the primary issues – family contact, immigration and language – as well as canteen, isolation and preparation

<sup>4</sup> This comprised prisoners who described themselves as Arabic, Iraqi, Egyptian, Finnish, Hispanic, Latin American, Vietnamese or South American Indian.

for release. White foreign nationals also reported poor experiences in the primary problem areas, worse experiences than black and minority ethnic foreign nationals in the areas of information about the prison and legal services, but better experiences in the areas of racism, ethnicity and religion.

### **Religion**

- 1.25 While the overall level of discriminatory treatment reported on the basis of religion was low (see appendix 5), among those who thought it was an issue, negative perceptions in relation to Muslims and their treatment were prevalent. There was no clear pattern in terms of nationality, but there was an association between identifying as a Muslim and perceptions of differential treatment, and about two-thirds of further comments related to Muslims. Of these, half stated that Muslim prisoners were treated worse than other prisoners or stereotyped as a result of the wider political climate. This was having a direct impact on the way that some Muslims chose to observe their faith, as illustrated by the last quotation below:

*“Some officers make insinuations and comments about Muslims.”*

*“People talk of Muslims as terrorists. I find it hard which is why I keep myself to myself and keep away from these people. You hear things like ‘you have a beard, you’re a terrorist’.”*

*“I would like to grow a beard to be closer to my religion, but I would get judged – called a terrorist, so I don’t.”*

- 1.26 Interestingly, about a third of comments stated that Muslims received preferential treatment, although some were also understanding of the demands of Islam:

*“Muslims get more because of their religion, but I accept that they need more to practice it”*

### **Residency outside of the UK**

- 1.27 Residency outside the UK emerged as the single most significant predictor of problems. Just under half of prisoner interviewees said their main country of residence was the UK (see Table 5). Substantially more men (50%) and young people (44%) reported residency in the UK than did women (21%). This can partly be explained by the high number of drug couriers among the female prison population [see *Women in Prison* HMI Prisons, 2006], most of whom enter the country with no intention of staying for more than a few days.
- 1.28 Overall, 84% of non-UK residents divulged problems or needs, compared to 69% of UK residents. UK residents were almost three times more likely to have English as a main language (40% as opposed to 15%), which clearly acts as a protective factor.



**Table 5 The proportion of foreign nationals reporting problems by residency in the UK**

	UK resident		Non UK resident	
	% (No)	rating	% (No)	rating
Family contact	41 (22)	3	67 (43)	3
Immigration	37 (20)	4	56 (36)	4
Language	35 (19)	3	47 (30)	3
Legal services	20 (11)	4	38 (24)	4
Health	39 (21)	4	44 (28)	4
Food	50 (27)	4	59 (38)	4
Information about prison	35 (19)	4	41 (26)	4
Preparation for release	43 (23)	4	42 (27)	4
Respect	39 (21)	4	41 (26)	3
Canteen	33 (18)	4	44 (28)	3
Isolation	30 (16)	3	36 (23)	4
Racism	37 (20)	3	34 (22)	3
Ethnicity	30 (16)	3	29 (19)	3
Religion	30 (16)	4	14 (9)	3

1.29 Foreign nationals who had not been resident in the UK before coming into prison reported more problems in all the primary areas of language, immigration and family contact. They also reported more problems with legal services, presumably because they had more use for them. They experienced more cultural isolation as reflected in more problems with the food and canteen, but less experience of discrimination or disrespect, perhaps because they had different expectations of how they would be treated, difficulty picking up on expressions of disrespect because of language barriers, or other more pressing problems.

1.30 In terms of visits, non-residents again had much worse experiences. About 60% of non-UK residents had not had a visit since arriving at their establishment, compared with fewer than 40% of UK residents.

### Staff views on the main difficulties faced by prisoners

1.31 Staff generally identified the same main issues as prisoners and it is particularly notable that they scored the three primary issues very highly in terms of prevalence – family contact (79% compared to 55% by prisoners), immigration (60% compared to 47% by prisoners) and language (81% compared to 41% by prisoners) (see Table 6). However, staff perceived the seriousness of problems faced by foreign nationals as being less intense, scoring many of those that prisoners scored as ‘4’, a big problem, as ‘3’, quite a problem. They also judged lack of information about the prison, isolation, racism and cultural issues as more prevalent but less serious problems than did the prisoners themselves.

1.32 In contrast, staff scored food, health, canteen, legal services and respect as being much less prevalent and less serious issues than did prisoners. To some extent, this was to be expected: as staff were asked to describe issues that specifically affected foreign nationals, it is not surprising that they did not refer to more general issues which also affect British prisoners. Nevertheless, this finding highlights the

importance of staff ensuring that the needs of foreign nationals are considered in relation to factors that are less obviously foreign national issues, such as health and food, as well as in relation to the more obvious issues such as immigration (see also appendix 8).

**Table 6 Problem areas as perceived by staff**

Problem	Prevalence	Affecting a particular nationality?	Severity (if problem)
Family contact	45 (79%)	3 (5%)	4
Language	46 (81%)	10 (18%)	3
Immigration	34 (60%)	4 (7%)	3
Isolation	27 (47%)	6 (11%)	3
Preparation for release	25 (44%)	3 (5%)	3
Information about prison	26 (46%)	3 (5%)	2.5
Ethnicity	23 (40%)	10 (18%)	2.5
Racism	23 (40%)	11 (19%)	2
Health	14 (25%)	2 (4%)	3
Canteen	15 (26%)	1 (2%)	2.5
Legal services	12 (21%)	0 (0%)	3
Food	17 (30%)	6 (11%)	2
Respect	16 (28%)	3 (5%)	2
Religion	12 (21%)	4 (7%)	2.5

### **Staff perspectives on primary and linked issues**

- 1.33. Staff comments about family contact broadly reflected the views of prisoners, and most related to a lack of visits, the location of the prison making visits difficult, and the expense or insufficiency of phone calls.
- 1.34 About 40% of staff comments about immigration concerned the lack of information given to foreign nationals about immigration and poor communication between prisons and IND.

*“Lack of good communication between the Prison Service and Immigration; detention causes a lot of friction – the frustration of detainees affects staff who have to deal with their annoyance; staff spend a lot of time chasing up immigration queries in addition to their other duties.”*

- 1.35 Their comments about preparation for release also focused on immigration issues, reflecting an awareness of the problems reported by foreign national prisoners. About two-thirds of comments specifically noted the lack of information and support for deportees from both IND and the Prison Service.

*“Uncertainty causes stress/anxiety for some. There is no preparation for deportation.”*

*“IND do not clarify until a late stage, making it difficult for us to help.”*

- 1.36 However, staff were less aware of legal problems facing foreign nationals, with only 15% stating that it could be difficult for prisoners to obtain legal advice in relation to immigration difficulties.
- 1.37 On the subject of language and the closely linked issues of information and isolation staff views once again generally reflected the experiences of prisoners. They revealed an over-reliance on using other prisoners to translate, sometimes in situations where professional interpreting services would have been more appropriate. Most comments about information about the prison and over a third of comments about isolation related to language barriers and communication.

*“Getting interpreters is difficult, especially in Vietnamese. I am Language Line trained, but I have been told it is too expensive – you have to get permission from the Governor to use it. This causes difficulties when dealing with confidential issues – you can’t use another prisoner.”*

*“We have booklets in different languages, but rarely give them out.”*

*“Foreign nationals feel more isolated, staff try to put foreign nationals in the same cells as friends.”*

### **Staff perspectives on secondary issues**

- 1.38 Staff comments on racism and respect differed significantly from those of prisoners. While prisoners’ comments mentioned both racism by staff and prisoners towards foreign nationals, most of the staff comments (69%) referred to racism between prisoners. This mirrors what we found in our recent race relations thematic, *Parallel Worlds*.

*“Asian prisoners who are associated with Muslims – people take frustration out on Muslim lads.”*

*“... some resentment [i.e. among prisoners] that foreign nationals get more than others.”*

- 1.39 While few prisoners commented on tensions between different nationalities or ethnicities, staff commented on tensions between African-Caribbean prisoners and both Asians and Africans, and racism by Eastern European prisoners towards black prisoners. Most comments tended to be general, relating less to foreign nationals than to black prisoners.

*“Africans – black ladies took over the spur and white prisoners felt discriminated against.”*

*“Black prisoners use racism for everything they want.”*

*“I have heard managers and officers make racist comments about prisoners but not to them.”*

- 1.40 About 15% of staff comments on respect were about staff not respecting foreign nationals, compared to 77% of the comments made by prisoners themselves. Another 40% were about foreign nationals’ ‘perceptions’ of not receiving respect from staff (implying that prisoners wrongly thought they had been disrespected) or a lack of understanding among staff of some cultures and religions.

*“What Muslims perceive as a lack of respect is sometimes a problem i.e. issues surrounding whether meat is halal meat.”*

*“Africans – especially the illegal immigrants sucking teeth, and making statements like ‘only because I am black’.”*

- 1.41 On culture, ethnicity and religion, the issue of language was prominent in both staff and prisoner comments, as were issues to do with general prejudice and cultural intolerance. Fifteen per cent of staff comments were about staff and prisoners showing signs of racism or having stereotypical views about certain nationalities; for example, prisoners from the Middle East being linked to terrorism, and Jamaicans all being seen as ‘Yardies’. Most of the remainder (12%) concerned religious issues (mainly with reference to Muslims), and some concerns about lack of staff training also emerged. When asked specifically about religion, more than half of staff comments were about Muslim prisoners, compared to a fifth of prisoner comments.

*“I have noticed prejudice among others against the Iraqi and Iranian population – this may be linked to war, I am not sure.”*

*“Staff training is inadequate, staff dismiss prisoners because they do not understand their needs. Staff are reluctant to interview foreign nationals – it is easier not to, British prisoners get better service because of this.”*

*“Christian vicars won’t see Muslims. Staff lack of training on Muslim needs.”*

*“Muslims now get upset if they are not able to pray at the appointed times. They require more and are therefore more often thwarted.”*

- 1.42 Staff comments about food and the prison shop were strongly divergent from those of prisoners, with nearly half stating that everyone was well catered for. Whereas most (92%) of the comments made by prisoners focused on limited choice and expense of goods, about half of staff comments made these points. Over 40% stated that all foreign nationals were catered for, and a few identified a link with language problems.

*“If you can’t read the sheet – you don’t know what to order. We do try to help to translate it for prisoners.”*

### **Staff views on diversity of experience**

- 1.44 For most issues, between 90% and 100% of staff felt that the problems applied to foreign nationals generally and not to specific nationalities. The only issues which a significant proportion of staff thought caused problems for specific nationalities were racism (18%) and ethnic background (19%) (which they thought affected Africans, Asians and East Europeans the most) and language (18%) (which they thought applied most to East Europeans, Vietnamese and Chinese prisoners, and to a lesser extent Iraqis). The latter assessment was supported to some extent by our interviews: of the 18 prisoners for whom interpretation was required, over half were from Vietnam, China, Iraq and Eastern Europe.
- 1.45 About a quarter of staff interviewees felt that white foreign nationals were treated differently to black or Asian foreign nationals, and the largest group of further comments supported prisoners’ views that white foreign nationals were more accepted.

*“White foreign nationals are not stereotyped to the same extent as others, seen as less alien and less threatening than Africans and Caribbeans.”*

*“White foreign nationals integrate better, because inmates don’t see them as foreign nationals because they are white. Initial cell sharing between foreign nationals and non-foreign nationals can cause problems as non-foreign nationals may make the assumption that there will be cultural/language gap which they don’t assume if you are white.”*

- 1.46 About a fifth of staff (similar to the proportion of prisoners) stated that foreign nationals were treated differently based on religion, and issues relating to Muslims were again prominent. The difficulties faced by some prisoners observing religious practices as a result of the regime were also mentioned.

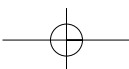
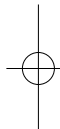
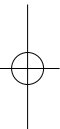
*“Muslims/Jews are confined by the prison regime; e.g. may not want to work on Fridays, but have to.”*

- 1.47 The following case study illustrates the problems faced by prisoners arrested soon after arrival, speaking no English and ignorant of English law and process, and the problems this causes the prison, which has no time or capacity to assist or undertake constructive work. The prisoner described below was extremely isolated, with no means of support and a high likelihood of becoming an immigration detainee without proactive assistance which was not forthcoming. Help is delivered by another prisoner, a foreign national, mediating in two foreign languages, limited by her own lack of understanding and experience of prison or this country, her own lack of authority to get things done, and her need to deal with her own problems.

## Case study

A young woman, Ms M, had been arrested when she arrived in this country for having a false passport. In the two days in custody between arrest and conviction, following a guilty plea, she absorbed little information about what was happening to her and what to expect. In prison, because she spoke no English and there was no one else of the same nationality in the prison, she missed induction and did not find out about some basic initial entitlements, such as the reception pack and telephone credit. An interpreter was used only during her reception healthcare interview. She did not come out of her cell at all during the first couple of days, not even to eat, because she was too scared. She was eventually helped by another prisoner whose grandparents came from the same region and could communicate with her up to a point. She explained rules and solved problems as they arose. For example, someone came to see Ms M with a piece of paper to sign. They then found her friend to try to explain what it was about. She told us that:

*“ ... I looked at it and said that as I did not really understand what it was about I could not explain and I could not tell her to sign it. The person, who I think was from probation, then just disappeared and did not return. So Ms M was left with no idea what she was asked to sign. She was really worried and did not sleep, worrying all night, because she thought it might be something really important and she had not complied. When I found out I was looking out for a probation officer who I sometimes see. I asked him. He made enquiries and came back and told me that it was nothing, a mistake. So I told her. But we were both still wondering.”*



## Chapter 2 - Meeting the needs

### Summary

- 2.1 **This chapter considers prisoners' views on the help they received to address their specific difficulties, and staffs' views on how they attempted to meet those needs. As well as drawing on the general and staff interviews, this chapter also uses evidence from the foreign national coordinator interviews and surveys, and interviews with prisoner representatives.**
- 2.2 **Despite some encouraging exceptions, provision for foreign national prisoners was in the early stages of development in most prisons. Access to services that could ensure equality of treatment by meeting prisoners' specific needs was poor. In interviews, fewer than a third of prisoners were aware of interpreters, support groups, foreign national coordinators, prisoner representatives or outside agencies. Most were aware of ESOL classes and facilities to contact families. Staff were usually ignorant of available resources, lacked training and guidance, and said they were unsure about how to make progress.**

### Prisoners' views on help received

- 2.3 This section draws on both general prisoner interviews and inspectorate survey results. During interview, when asked what the prison did to help them as foreign nationals, about 40% of prisoners initially stated that nothing was done. The picture was more encouraging, if still not particularly positive, when they were specifically prompted to say whether they were aware of any of the assistance listed in Table 7. While the vast majority of prisoners were aware of the availability of ESOL classes, and nearly two-thirds knew of help with family contact (primarily international calls and letters), less than a quarter knew about foreign national coordinators or prisoner representatives or support groups, although most of the fieldwork establishments said they had them. When they were subsequently asked to name one thing that was helpful (rather than just known to them), 19% of prisoners mentioned help with family contact (e.g. international phone calls at the public expense), 15% mentioned education and especially ESOL classes, and 6% stated that their peers helped the most.

**Table 7 Overall awareness of help\***

Resource	Aware	Not aware)
Interpreters	40 (33%)	65 (54%)
Info in diff languages	46 (39%)	62 (53%)
Support groups	27 (23%)	71 (60%)
FN coordinator	28 (24%)	78 (66%)
FN prisoner reps	27 (23%)	76 (64%)
Outside agencies	28 (23%)	78 (65%)
ESOL	96 (80%)	15 (13%)
Family contact help	74 (62%)	37 (31%)

\* Where figures do not add up to 100% the difference is accounted for by prisoners who were unsure if they had come across a particular form of assistance.



- 2.4 Apart from ESOL classes and help with family contact, the number of people aware of different sources of help was relatively low. Table 8 indicates that those without English as a main language were more aware of foreign national representatives or orderlies, support groups and, predictably, ESOL provision, suggesting that some targeting of resources on those with poorer English was occurring across a range of areas. English speakers were more aware of foreign national coordinators, suggesting that more effort was needed to inform non-English speakers of their roles.

**Table 8 Awareness of help by main language**

	Interpreters	Info in diff. languages	Support groups	FNC	FN reps	Outside agencies	ESOL	Family contact
<b>English as main language</b>	10 (32%)	11 (36%)	6 (19%)	8 (26%)	5 (16%)	6 (19%)	23 (74%)	18 (60%)
<b>Other languages</b>	30 (35%)	35 (40%)	21 (24%)	20 (23%)	22 (25%)	22 (25%)	73 (82%)	56 (63%)

- 2.5 Similarly, in relation to immigration help, Table 9 indicates that those with immigration problems were more aware of sources of help than prisoners without them, though overall awareness was still low. They were less aware, however, of support groups or the existence of outside agencies. About two-thirds of interviewees said they had not been offered immigration help or advice, though only 12% felt that they had no need for it. Moreover, awareness of services did not necessarily mean that prisoners were accessing them, and prisoners asked to rate the level of immigration help received gave a score of 2 (poor).

**Table 9 Awareness of help according to immigration status**

	Interpreters	Info in diff. languages	Support groups	FNC	FN reps	Outside agencies	ESOL	Family contact
<b>Immigration issues</b>	24 (39%)	25 (40%)	13 (21%)	17 (28%)	16 (26%)	14 (21%)	55 (86%)	43 (67%)
<b>Few/No immigration issues</b>	16 (28%)	22 (38%)	14 (25%)	9 (20%)	9 (20%)	14 (25%)	41 (74%)	31 (57%)

- 2.6 Only 22% (26) of all prisoners had received help, and for a third of these this help came from their solicitors. The few who had received help from the prison (9 of the sample of 121 stated this), named either immigration surgeries or foreign national officers or coordinators as the source of their help. Most interviewees said they needed assistance, such as information on the progress of their cases and help to access their passports, as well as more general information about the risks and likelihood of IND action. Those from the Middle East identified themselves as most in need of such help and those from Eastern Europe were least likely to say that they needed it.



**Table 10 Need for immigration help by region**

Region	Need other immigration help	Don't need any immigration help
Middle East	10 (71%)	3 (21%)
Africa	17 (57%)	11 (37%)
Caribbean	8 (57%)	4 (29%)
Americas	5 (56%)	2 (22%)
Europe	7 (39%)	11 (61%)
E. Europe	5 (29%)	10 (59%)

**Women and young people**

2.7 Women had the greatest awareness of interpreters, information in different languages, outside agencies and ESOL provision. Outside agencies were especially prominent in women's prisons and most interviewees who mentioned such agencies referred to Hibiscus<sup>5</sup>. Young people had the lowest awareness overall of support groups, foreign national coordinators or representatives, outside agencies, ESOL provision or assistance with family contact. Awareness of support groups and prisoner representatives was highest in men's prisons, although even here less than a third of prisoners were aware of them.

**Table 11 Awareness of help by prison type**

	Interpreters	Info in diff. languages	Support groups	FNC	FN reps	Outside agencies	ESOL	Family contact
<b>Women</b>	13 (54%)	12 (50%)	4 (17%)	6 (25%)	4 (17%)	10 (42%)	20 (83%)	15 (63%)
<b>Men</b>	17 (25%)	24 (35%)	20 (29%)	18 (26%)	23 (33%)	11 (16%)	57 (80%)	46 (66%)
<b>Young Adults</b>	10 (40%)	10 (40%)	3 (12%)	4 (16%)	0%	7 (28%)	19 (76%)	13 (52%)

**Embassy contact**

2.8 Very few prisoners had had contact with their embassies. Twenty per cent knew their embassy had been contacted, 46% were unsure and 29% knew they had not been contacted. Eighty per cent said they did not want such contact. The most common reason for this (given by 37%) was simply that they thought their embassies could not help them in any way. Some prisoners said they had attempted contact without success. A few were concerned about mistreatment by home governments, and may have been considering asylum applications as a result. This suggests that the policy of contacting embassies with whom the UK has bilateral agreements (which prisons are required to do) without consideration being given to possible abuses of human rights is problematic for some prisoners.

<sup>5</sup> Hibiscus is a voluntary organisation which provides an information and support service to women foreign nationals. It has offices in Jamaica and Nigeria and is particularly active in helping prisoners to maintain family contact. It is present in most women's prisons.

### **Personal officers**

- 2.9 Effective personal officer work is one indication of positive relationships between staff and prisoners. Our survey results suggest a lesser involvement of personal officers with foreign nationals, particularly with black foreign nationals. Across all establishments, 18% of foreign national respondents reported that they had met their personal officer in their first week compared with 21% of British nationals. Fifty-nine per cent of foreign nationals still had not met their personal officer at the time of the survey (compared with 52% of British nationals). Twenty-six per cent of foreign nationals found their personal officers to be helpful or very helpful, compared with 32% of British nationals.
- 2.10 Black foreign nationals were least likely to have met their personal officer in the first week. Only 15% had met their personal officers compared with 22% of white foreign nationals. Where they had met their personal officers, both black and mixed race foreign nationals found them to be the least helpful, with 23% and 20% respectively thinking they were helpful or very helpful, compared with 43% of Asian foreign nationals.

### **Working effectively with foreign national prisoners**

- 2.11 This section draws on the general staff interviews. It also uses evidence from the foreign national coordinator interviews and surveys, and interviews with prisoner representatives in its assessment of current provision and ways of improving it.
- 2.12 We asked staff what were the main problems they faced in looking after foreign national prisoners and whether problems were linked with any particular nationality. Language barriers were by far the biggest problem faced by staff in their everyday work with foreign nationals and were a strong feature of their comments on many other problem areas.

**Table 12 Problems faced by staff in looking after foreign nationals**

<b>Nature of problem</b>	<b>Problem exists</b>	<b>Any particular nationality</b>
Language barriers	41 (72%)	18 (32%)
Queries about immigration issues	29 (51%)	4 (7%)
Facilitating family contact	25 (44%)	2 (4%)
Lack of specialist help	25 (44%)	2 (4%)
Understanding ethnic/cultural differences	17 (30%)	8 (14%)
Reducing isolation	17 (30%)	4 (7%)
Understanding religious issues	10 (18%)	1 (2%)
Providing access to the regime	9 (16%)	3 (5%)

- 2.13 Most of the comments regarding equal access to the prison regime referred to access being restricted by language barriers. Almost half of the comments about isolation also related to language issues, and about a third of comments about lack of specialist help related to the need for interpretation and translation.

*“If prisoners don’t speak English it is difficult to relay where they need to be and why.”*

*“If you don’t go to work three times in a month you are demoted to basic. Some foreign nationals don’t tell you why they are not going – this may be because they don’t understand something. IEP status affects phone calls.”*

- 2.14 In terms of managing the communication difficulties at the root of isolation, a few staff mentioned ways of developing the relationships which are essential to well managed prisons, while a larger number (40%) spoke of co-locating people who spoke the same language:

*“We try to reduce it by offering sympathy, support using imagination and creative communication.”*

*“Some people choose to be on own – but it is actively discouraged. We match people up to avoid this.”*

- 2.15 Dealing with immigration queries was the next most prevalent problem for staff, and this was closely linked to the need for specialist help. About half of staff interviewed were aware of immigration detainees in their establishments. When asked what they would do if a prisoner approached them with an immigration problem, 42% said they would refer it to the foreign national coordinator or race relations officer, and about a quarter said they would attempt to deal with it personally, usually by making calls to the Immigration Service. However, this was often considered to be time consuming and unproductive, and it was unclear what would happen following referral to foreign national coordinators, given that coordinators themselves complained about lack of training or guidance in dealing with such issues. The complexity of the immigration system and lack of time or knowledge to assist prisoners were the main reasons for staff wanting specialist help in the form of immigration advice. It is in any event illegal for anyone other than accredited immigration advisers to give immigration advice to individuals about their situation.

*“You get frustration from detainees and those people coming to the end of their sentence without information about what is going to happen to them.”*

*“Staff chasing up immigration queries for foreign nationals have other duties and no profiled time for this.”*

- 2.16 Bureaucratic international phone call procedures, time differences and communication with visitors who spoke limited English were a source of stress for staff seeking to assist foreign nationals to maintain family contact.

*“Sometimes we wait weeks for authorisation for a [i.e. international] monthly phone call at the public’s expense.”*

*“An example of a difficulty is when we had a letter confirming the death of a family member, it took time to confirm the death and arrange a phone call (time differences) – all this led to delays for the person to speak to their family.”*

- 2.17 Understanding religious and cultural issues was a significant but more limited concern for staff, and black foreign nationals from Africa and the Caribbean were most likely to be mentioned in this respect. This was linked to a desire for training, and a number of staff specifically stated that they felt inadequately informed about Islam. Some showed a commendably open and honest approach to dealing with this issue, though others took a less constructive approach:

*“I didn’t know what Ramadan was – I asked Muslim prisoners. It is through cooperation between staff and prisoners that you learn – I learn from them.”*

*“We know how to deal with most – just be respectful – but it is the really obscure ones, it would be ignorance that causes offence.”*

*“It is for them to fall in with us.”*

### **What helped staff to work effectively with foreign nationals?**

- 2.18 We asked staff about a range of resources that have been identified as helpful during previous prison inspections: foreign national groups, prisoner orderlies, foreign national wing officers and coordinators, interpretation, training and guidance, and specialist help from outside agencies. We found that existing resources were underused and that the lack of guidance or training in this area of work was seriously hampering consistent and effective practice. Despite our repeated calls for a coherent Prison Service strategy and policy on foreign national prisoners to provide staff with guidance, none exists (see HMIP Annual Reports, most recently 2004, 2005). Similarly, there are still no auditable standards to require focused attention on this group.
- 2.19 Most staff had not received specific training in work with foreign nationals and could not think of available specialist help. Although every prison had access to a telephone interpreting service, a third of staff said that telephone or face to face interpreters did not exist in their prisons, though they considered that this was the most helpful assistance that could have been provided.
- 2.20 A quarter of staff thought there was no foreign national coordinator, whereas only one establishment did not have someone in post at the time of our visit. Some of those interviewed at that establishment thought the coordinator was still there, even though he had left some five months previously and had not been replaced. At the least, this suggests an oddly low profile for these important posts in these prisons, selected for having substantial foreign national populations.
- 2.21 Where a form of assistance existed in a prison, it was rated highly by staff. In prisons where a particular service did not exist, it was rated as being less important. This suggests that where staff did not have experience of a service, they underestimated its value.

**Table 13 Sources of help for staff in caring for foreign national prisoners**

	Existence		Importance	
	Yes	No	If exists	If doesn't
Training/guidance	25 (44%)	32 (56%)	4	3
Language Line/interpreters	38 (67%)	19 (33%)	5	4
FN reps/orderlies	28 (49%)	26 (46%)	4	3
FN coordinator	39 (68%)	15 (26%)	4	4
FN wing officers	10 (18%)	40 (70%)	4	3
Specialist help	26 (46%)	30 (53%)	4	4

### **Staff comments on training and specialist help, including interpretation**

2.22 Most comments about training were either about the diversity training being good or, more commonly, the need for more specific foreign national training. There was no evidence of any specific training in any of the establishments visited and there was a limited understanding of the kinds of issues that such training might cover.

*“You are not taught anything specific to foreign nationals. There is no training but you need to be knowledgeable.”*

*“Diversity training was pathetic.”*

*“No specific training and no need for it.”*

*“Diversity training – it helps with treating people equally and understanding religion.”*

*“I would like a residential course on foreign nationals so I don’t say inappropriate things.”*

2.23 The majority of comments about the need for more specialist help related to immigration advice. The only consistent specialist assistance was provided through the regular presence of Hibiscus in women’s prisons and New Bridge volunteers in one of the adult male prisons. Neither are accredited to provide immigration advice<sup>6</sup>. Staff also mentioned the need for foreign national groups and legal services officers able to advise foreign nationals about how to obtain help with their immigration cases.

2.24 About a quarter of the comments on interpretation were about staff preference for prisoner interpreters. There was concern about using the telephone interpreting service (Language Line currently holds the contract) because of the expense, and limited appreciation of the important point that this compromised confidentiality and accuracy.

*“We mainly use prisoners – it is better to use face to face contact.”*

*“Language Line – not really used because of the resource issue; as a member of staff has to be present. Using prisoners is okay for low key things, not for discipline.”*

*“We are not allowed to use it [Language Line] though, it is too expensive.”*

2.25 Managers were not effectively communicating guidelines for the use of the service and this led to disturbing failures of care. One extreme example of the consequences of lack of ability to communicate was given by staff in one of the women’s prisons we visited. They recalled a young Chinese woman who cried inconsolably for the first two days of her stay. It took them two days to find an interpreter (whether the interpreter was another prisoner or a professional was not specified), at which point they discovered the reason for her distress was that she was expecting to be shot. Good practice would have been for them to immediately interview her with the telephone interpreting service, in the absence of a face to face interpreter.

<sup>6</sup> New Bridge is a charitable organisation which provides befriending, support and advisory services to prisoners and recently released ex-prisoners.

2.26 The numerous translated documents available on the Prison Service intranet were not being used effectively. Very few staff mentioned the intranet as a source of translated material, though it could be accessed by all prisons.

### **Staff comments on prisoner representatives, coordinators and wing officers**

2.27 Most staff comments were positive about the existence or potential appointment of prisoner representatives or orderlies. The main reasons for supporting them were that prisoners related better to other prisoners than to staff, and they provided a good link between the prisoners and themselves. A small number of comments were less positive, one arguing that appointing foreign national representatives would be a form of discrimination, and another stating that it would stigmatise foreign national prisoners. There is no evidence of either of these outcomes in any of the prisons where there are foreign national representatives. The need for representatives to have training was also raised by staff.

2.28 Similarly, most comments were appreciative of staff coordinators who were in post, stating that they were an essential source of guidance and/or improving things:

*“Their role is very important; it is the main communication network for foreign nationals.”*

*“It is essential to have someone central with an understanding of the issues.”*

2.29 However, foreign national wing officers were thought to be the least helpful form of assistance, partly because staff felt there were already too many specialist roles for wing officers to perform, and partly because a single coordinator able to build up experience was considered a better resource. Nevertheless, the three officers who knew of them on the units were all positive about their contribution, as illustrated by the final quote below.

*“There would be too many people doing the same job.”*

*“Centralised is better – then there is no difference between the wings.”*

*“They give foreign nationals the chance to speak to someone with answers at top of head.”*

**Table 14 Staff views on what the prison does well for foreign nationals**

Caring staff	20 (35%)
Equal treatment	13 (23%)
Education	8 (14%)
Variety of food	7 (12%)
Religious provision	7 (12%)
International phone-calls	6 (11%)
Race relations liaison officer	4 (7%)
Other	24 (48%)

2.30 Despite being able to identify a number of areas in which they thought the prison did well, most staff were unable to identify specific good practice. The largest number said caring staff which, while obviously essential to meet the needs of any

group of prisoners, said little about foreign nationals in particular. Only education (including ESOL (14%) and international phone calls (11%) were mentioned by more than a handful of staff. Foreign national coordinators were mentioned by only 4% of staff and peer support schemes (i.e. foreign national orderlies/representatives) by only one member of staff. If staff are either not aware of specific services or feel they are not effective enough to mention, then it is unlikely that they will help foreign national prisoners to access them. This suggests a very low profile for foreign national policies and procedures where they exist.

### ***The perspective of foreign national representatives***

2.31 Representatives could identify little current positive practice other than their own work, which was much valued by staff coordinators. However, they felt that foreign national groups were the most important specialist resource the prison could have. They described their own roles as being to give advice, information and support to foreign nationals, to liaise with staff and to organise events (including groups).

*“Most reps speak several languages, help with queries and translations. Access to information and help with problems on arrival.”*

*“Raise issues with staff in meetings, talk to foreign nationals on wings, ask about problems/needs as well as giving advice, contact staff as necessary.”*

### ***The perspective of foreign national coordinators***

2.32 Coordinators mainly described themselves as providing a link with external agencies and between foreign national prisoners and staff. They also saw themselves as a central point of contact and source of information, helping to coordinate work with foreign nationals and deliver on the policies (see appendix 9). They identified interpreters as the most useful resource though in most cases it was not specified whether this referred to prisoners, staff or professionals. A fifth specifically mentioned the value of having prisoners as foreign national representatives, and we were given one example of exemplary practice in this regard (see good practice section and appendix 9).

**Table 15 Foreign national coordinators' views of good practice**

Meetings/groups	43 (43%)
Caring staff	43 (43%)
External links	37 (37%)
Translation/interpreters	33 (33%)
Meeting individual needs	31 (31%)
Peer support/foreign national representatives/orderlies	19 (19%)
Family contact	18 (18%)
Increase awareness	15 (15%)
Courses	13 (13%)
Identification of foreign nationals	9 (9%)
Policy	8 (8%)
Other	34 (34%)



2.33 Coordinators agreed with prisoner representatives that foreign national groups were the most important specialist resource, though it was generally unclear what form of group they were referring to. It is notable that prison inspections over the last two years have shown that a very small number of prisons have support and information groups running on a regular basis<sup>7</sup>. A large number of coordinators also identified caring staff as an area of good practice (see Table 15).

**Table 16 Obstacles to progress reported by foreign national coordinators**

Lack of training/guidance	59 (61%)
Lack of time	30 (31%)
Lack of external agencies	23 (24%)
Language/translations	23 (24%)
Lack of resources	16 (16%)
Lack of staff	10 (10%)
Lack of focus/awareness of FNs	5 (5%)
Other	23 (24%)

2.34 The lack of immigration advice and assistance was considered a prominent obstacle to progress, and the greatest number of further comments about the need for external links (47%) were about immigration assistance. Yet again, lack of specific training or overall guidance on this area of work – either from the centre or from area office – was the major reported problem. While governors' support is important, their ability and willingness to commit resources are to a great extent dependent on a commitment to foreign national work from headquarters. One of the few experienced coordinators we met during our prison visits summarised the situation as follows:

*“Governor support and HQ leadership is needed. Should have area foreign national coordinators, I feel that headquarters have abandoned establishments and foreign national work is too dependent on individual governors. If a governor is not committed to a particular issue, it's difficult to get progress. Making progress on foreign national issues is like treading treacle.”*

2.35 In a target driven system with limited resources, these are devoted to the areas of work which are used to assess the performance of the prison, and currently foreign national work is not one of them. Foreign national coordinators commented on the lack of priority and funding given to this area of work:

*“Need establishment and area funding to provide RRLO with time to do this work.”*

*“A strong commitment with financial resources to support them, required at all levels.”*

2.36 Despite this, almost all (95%) foreign national coordinators felt that positive work in their establishment was sustainable in the longer term. When asked what would help to sustain it, clear governor support and direction emerged as the single most important factor, followed by supportive staff. It should be noted that inspections of individual prisons have found very few functioning foreign national strategies, something that has been consistently highlighted in annual reports:

<sup>7</sup> See HMIP Annual Reports 2004 and 2005.



*“Only eight out of 38 prisons in full inspections had foreign national policies, and of these only two London prisons ... could be described as making reasonable progress in implementing them.” (HMIP Annual Report, 2003-4, p.20).*

*“In full inspections we found that a third of prisons had failed to produce a foreign national policy ... other prisons had policies, but little by way of implementation.” (HMIP Annual Report, 2004-5, p.21)*

### **Identification of foreign nationals**

2.37 When we asked staff coordinators whether in their experience foreign nationals were identified accurately, just over a quarter (27%) felt that they were not identified accurately most or all of the time.

*“... reliant on sending prisons, LIDS-recording staff make assumptions about nationality.”*

*“Rely on prisoner information. Problems if language misunderstandings.”*

Similarly, a quarter of the small number of prisoner representatives (2 out of 8) felt that the prison did not know who all the foreign national prisoners were:

*“If you are black, officers assume you are a foreign national.”*

2.38 We usually found one or two of the sample of 12 prisoners spoken to in each prison who were mistakenly identified as foreign nationals; however in the juvenile establishment, 5 of the 12 people identified as foreign nationals by the prison were in fact British. Equally, during inspections, we have regularly come across foreign nationals who are not identified as such. There is currently no systematic way for prison staff to establish nationality. Prisoners are unlikely to have their passports with them, and some may have false documents. Recorded nationality therefore depends largely on prisoner self-report, which is even more difficult when foreign national prisoners do not understand what is being asked. Some prisoners, particularly young offenders and juveniles, may also not know what their actual nationality is. Furthermore, even when nationality and language are established, they are not systematically recorded on key prison documents such as wing history sheets and ACCT documentation (assessment, care in custody and teamwork forms which are used to help identify and care for prisoners at risk of suicide or self-harm).

2.39 Another problem is the number of prisoners recorded as being of ‘unknown’ nationality. In April 2006, over 900 prisoners were so recorded and many of those may be foreign nationals. This is an improvement on the June 2005 figures when 1300 prisoners were of unknown nationality, but is still a significant number which could be further reduced by effective prison record-keeping and speedy IND responses to formal requests for nationality confirmation by prisons. In one prison, we were told that multi-lingual prisoner representatives were required to visit new arrivals and to double check that their recorded nationality was correct.

## Good practice

Two prisons provided detailed and particularly interesting examples of good practice.

### Ford

*The foreign national peer support scheme in Ford was excellent. There were six foreign national orderlies, some of whom spoke a number of languages. With the support of the diversity manager, they organised social groups and immigration surgeries attended by IND's criminal casework team to update prisoners on their immigration cases. All groups were advertised on noticeboards around the prison.*

*Prisoners were able to drop in to a dedicated foreign national office at most times, as at least two orderlies were generally available. The orderlies attended induction to encourage foreign national prisoners to seek them out, and also had good links with other orderlies in the prison, from whom they received numerous referrals. They referred issues on to the diversity manager or other staff, as appropriate.*

*The foreign national office contained a range of translated information, which was easily accessible to prisoners. The provision of an office for the orderlies gave their work a strong profile in the prison, and was a tangible demonstration of the commitment to meeting the specific needs of the foreign national population. Many of the foreign national prisoners we spoke to were very appreciative of the useful information and support they received from the orderlies.*

### Deerbolt

*The individualised approach to the management of the small foreign national prisoner population in Deerbolt was appropriate and effective, though it would need adapting if the population were to rise in future. A detailed initial assessment was undertaken by the foreign nationals coordinator and was followed by a minimum of monthly contact with each prisoner. Major issues, particularly in relation to immigration and family contact, were addressed during these meetings. For example, the coordinator facilitated international phone calls to help prisoners with visits to stay in contact with their families and made efforts to contact immigration staff on behalf of prisoners. All contacts were carefully recorded.*

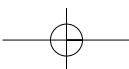
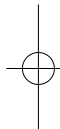
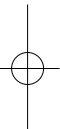
*A foreign national register was regularly updated by the discipline clerk and circulated among key departments. It listed all current foreign nationals in the prison, whether or not the Immigration and Nationality Department had been contacted, and whether interpretation was required to communicate with the prisoner.*

*Immigration paperwork was passed to the foreign national manager or the coordinator by the discipline clerk, and they took it directly to the prisoner for completion before returning it to the clerk. This removed the possibility of paperwork being delayed or lost in wing mail boxes and enabled close management of immigration paperwork.*

*continues*

*continued*

*The foreign national coordinator and manager regularly contacted both the IND criminal casework team (CCT) and the local immigration office in Teesside to relay information and ask questions on behalf of prisoners. The coordinator also took an active approach to contacting and obtaining legal assistance for prisoners, e.g. through the local Citizens' Advice Bureau and the Immigration Advisory Service.*



## Chapter 3 – Immigration and foreign national prisoners

### Summary

- 3.1 **In addition to evidence gathered from the general prisoner and staff interviews, two specialist inspectors, experienced in immigration law, conducted interviews with prisoners and with staff responsible for immigration related paperwork and liaison with IND. Specialist structured interviews were conducted in 10 fieldwork prisons with 36 prisoners of 21 different nationalities. We also spoke to staff involved in immigration casework, who were generally administrative staff and foreign national coordinators. Where accessible, relevant paperwork was also examined.**
- 3.2 **Immigration emerged as one of the principal areas of ignorance, confusion and concern among both foreign national prisoners and staff (see Chapter 1). There was little independent specialist advice available, and prison staff were neither well-equipped nor legally able to provide it. Links with IND had improved somewhat, following the development of the criminal casework team (CCT) and at the time of the fieldwork few prisoners remained in prison for long periods after sentence<sup>8</sup>. However, in all 10 prisons the custody clerks charged with IND liaison said that contact with IND was ineffective and insufficient and that they had had no training. Prison staff repeatedly complained of poor communication from the CCT, which hampered their attempts to inform and support prisoners.**

### The background

- 3.3 Foreign nationals who are imprisoned can face deportation at the end of their sentence. This can be recommended by the court at the time of sentence; or it can be decided administratively by the Home Secretary at any time during sentence. In either case, following the end of a criminal sentence, a foreign national can then continue to be held, either under the original court warrant (if the court has recommended deportation) or as an immigration detainee, under administrative immigration powers pending deportation. The detainee can be held either in prison or in an immigration removal centre (IRC).
- 3.4 Deportation is a formal process, with a right of appeal, which prevents a person from returning to the UK until the deportation order is revoked. Removal is an administrative process, with fewer procedural safeguards, but without a formal ban on return (though those removed will be known to the Immigration Service and will be liable to be refused entry if they seek to re-enter the UK). Since June 2004, it has been possible to remove foreign nationals who might face deportation to their country of origin before the halfway point of their sentence (up to 135 days, dependent on sentence length) under the early removal scheme (ERS). This is not available to prisoners serving less than three months or those who have outstanding issues, and not usually to 'high risk' prisoners<sup>9</sup>. A further Prison Service Order (PSO 6000) set out the mechanisms for the early removal scheme.

<sup>8</sup> Though subsequent events have considerably added to this number.

<sup>9</sup> There are statutory exemptions for certain types of sentence, for example those serving an extended sentence, but there are provisions for some other high risk prisoners to qualify subject to an enhanced risk assessment and the decision of the Home Secretary.

- 3.5 A revised Prison Service Order (PSO 4630) on foreign nationals aimed to improve liaison between prisons and the IND. Within IND, prisoners' casework is mainly dealt with by the criminal casework team (CCT). Ministers also defined those who would usually be liable for deportation: those serving sentences of over 12 months (24 months for nationals of the European Economic Area<sup>10</sup>, where the test for deportation is higher), and repeat offenders.
- 3.6 In practice, however, we found a huge degree of confusion, ignorance and miscommunication among both prisoners and staff about this issue, in spite of the number of prisoners affected and the seriousness of the consequences. At all points in the process, effective systems did not exist, either within prisons, or between prisons and IND, in order to manage, support and inform foreign nationals faced with immigration action.

### ***Criminal proceedings***

- 3.7 A court recommendation for deportation (which is almost always accepted by the Home Secretary) would, on the face of it, appear to be the most transparent, timely and easy to follow process for both prisoners and prison staff. This, however, was far from being the case.
- 3.8 Prisoners were generally given little information during criminal proceedings about the potential immigration consequences, even when they had been arrested by an immigration officer for an immigration offence. Most could not recall receiving information, either from legal representatives, the court or the prison on arrival. Most interviewees had some idea about their status, but were less sure about its consequences.
- 3.9 Ten of the interviewees thought that they had been recommended for deportation, and six were uncertain about whether they had been. Only three said they had received information from their criminal solicitor; one said the judge had been the only source of information. One interviewee, who spoke no English, knew neither that he had been recommended for deportation nor how long he was to spend in prison. All should have been, and presumably were, given a notice warning them that they were liable to deportation at least seven days before sentencing. However, only one person, fluent in English, mentioned this, and she had misunderstood it and feared erroneously that the receipt she had signed might have been agreement to deportation.
- 3.10 Nor were prisoners likely to be enlightened on arrival in prison. Information accompanying the prisoner from court to prison was not uniform or comprehensive. The standard court warrant does not include printed information to record whether or not deportation has been recommended. This information was added in handwriting, not always in the same place and not always legibly.
- 3.11 Moreover, prisons did not have a consistent system for recording this information, if it was apparent. It was not always noted on the front of the prisoner's file, so that subsequent prisons had to trawl through an often voluminous file to find and interpret the warrant. Where the information was recorded, it was not done uniformly: some staff hand-wrote 'recommended' and/or 'NFR' (not for release); some had a useful stamp with options to be ticked. Nor was the information on the

<sup>10</sup> The European Economic Area comprises the 25 member states of the European Union plus Norway, Iceland and Leichtenstein.

file always accurate: we came across two files marked 'recommended' where there was no evidence of a court recommendation, either on the warrant or elsewhere. The writer may simply have assumed that, as a foreign national, the prisoner would be deported. However, we did find that if the file clearly indicated a recommendation for deportation, it was diligently recorded on the local inmate data system (LIDS) by prison administration staff.

### ***Prison systems and information***

- 3.12 For those not recommended for deportation, the first crucial step is for prison staff to identify on arrival who is, and who is not, a foreign national, and to record that information on LIDS. At inspections, we have often found that prisons are unable to provide accurate information on this basic point (see chapter 2). Nor are prison staff sufficiently well-informed to assess or record information that may be relevant to the immigration status of those who are correctly identified as foreign nationals.
- 3.13 On arrival prisoners will be given induction information, and told of the availability of legal services (prisons should have a legal services officer). But this is unlikely to provide information about immigration. A number of legal services officers told us that they had little information about immigration matters, and prisoners rarely cited legal services officers as sources of information about this. In any event, since 2001 it has been unlawful for anyone other than an accredited<sup>11</sup> immigration adviser to offer advice or information about an individual's immigration circumstances. Unaccredited people can merely provide general information, which the person concerned must interpret in the light of their circumstances; or point them in the direction of an accredited adviser.
- 3.14 Sources of information were therefore limited, and largely unqualified. The foreign nationals coordinator was the provider cited most often, but only by five people. Others included other prisoners or staff, or voluntary organisation staff who were not specialist immigration advisers. This left considerable scope for rumour and misinformation to fill the information vacuum.

*"Not one person has given me info which has turned out to be reliable. It is such a cruel system. It has not helped me to resettle or given me any respect or dignity."*

This also meant that those in need of advice sometimes did not know this: a 17 year-old told us that it had not occurred to him to ask for immigration advice because no one had ever told him that his status in this country was insecure following conviction.

### ***Advice and representation***

- 3.15 Little independent specialist advice was available in prisons. Even those making a real effort (like Morton Hall: see good practice example) were confronted with a national shortage of specialist advice, which might be particularly acute in their area. One officer commented that there was little scope to check the quality of solicitors, as there were so few immigration solicitors, and it was so hard to persuade any to visit prisons, that he had to settle for anyone prepared to make the journey. A foreign national prisoner commented:

<sup>11</sup> A member of a designated professional body (such as solicitors) or a person or organisation registered with, or exempted by, the Office of the Immigration Services Commissioner.

*“Friends paid someone to appear at my appeal against notice of intention to deport. That was the only time I saw him. I did not see him to prepare for the appeal and I have not seen him since. I do not think he is still representing me.”*

- 3.16 Only 39% of our sample currently had a solicitor; only half of those said they had received a visit from their adviser, while 20% said they could not even remember getting a letter. One man who had been in immigration detention for seven months said that his solicitor had visited him once, but without an interpreter, so that he could neither give instructions nor receive advice. Legal aid eligibility rules for representation at immigration hearings are stricter than those for criminal court appearances, and some interviewees described being dropped before their appeals, at precisely the time they needed help. The advice shortfall was particularly noticeable in relation to bail applications. Not a single member of staff knew how to access immigration bail; though 10 of our interviewees were detained solely under Immigration Act powers, none had ever made a bail application, including the man detained for seven months who apparently had a solicitor.
- 3.17 Some prisons had arrangements with voluntary groups, such as Hibiscus; or else had a Citizens’ Advice service on-site. While such groups were able to provide limited information and assistance to both staff and prisoners, their role and remit was often misunderstood by staff, who wrongly assumed that they were able to offer individual immigration advice. However, though Hibiscus provided valuable support to women, it could not provide immigration advice. Similarly, a Citizens’ Advice service that was contracted only to provide assistance with resettlement would not be able to advise on immigration. Three prisons we visited had an agreement with a London-based voluntary organisation, the Detention Advice Service (DAS), which was qualified to provide immigration advice, but not representation. Only one prison had regular visits.

### **Contact with IND**

*“I was sent a letter a year ago. I am not sure what it was about.”*

- 3.18 Only nine (26%) of the 36 interviewees could recall seeing an immigration officer. Sometimes, the detainee did not know the purpose of the visit, or else it was for a single purpose, such as to get information for a travel document, and the officer could not comment on the case as a whole.
- 3.19 Some prisons organised visits from immigration staff from time to time, to see foreign nationals as a group, and indeed referred those with queries to the immigration officer. This was not always satisfactory.
- “When I asked for advice I was told to wait for the CCT [IND’s criminal casework team] surgery. Two immigration officers came to the prison to do twice-yearly surgery. They could not tell me what was happening and promised to get back within a week, but since then [a month ago] I have heard nothing.”*
- 3.20 Fourteen prisoners (39%) said they had received documentation about immigration status from IND, but many complained about the lack of explanation. The documents were in English and, although most interviewees spoke English, they found it hard to make sense of legal or technical documents. An English-speaker, resident in the UK for eight years, said



*“I received decision to deport and appeal papers, but was overwhelmed with the volume of papers and could not understand them ... I tried five solicitors to take on case, unsuccessfully – finally another prisoner helped me lodge an appeal.”*

He had tried to contact CCT four times without response.

3.21 IND documents were likely to be passed on by prison staff, who did not understand their content, rather than immigration staff. There would therefore be little clarification of content or of what the recipient was supposed to do next, even if all parties spoke English.

3.22 Comment on the quantity, quality and timeliness of communication from IND was almost universally negative.

*“All I know about immigration is that they keep you in prison after everyone is released. If no one tells you what is going to happen to you, then you begin to think dangerous thoughts [self-harm].”*

*“I would have some peace of mind if I knew what was happening even if it was bad news.”*

3.23 An Irish prisoner, living for 10 years in this country with his wife and children, said he was in an open category D prison when he was served with a notice of intention to deport and immediately moved to a closed category B prison. He had no solicitor and said he wrote to IND four times for clarification without any response. Another prisoner, anxious to go home, and frustrated by lack of IND collaboration, said he contacted his embassy himself to obtain a travel document, but it was due to expire in a few days time and he still had not been told he could go.

3.24 For prison staff, too, contact with IND was limited, outside co-operation under the early removal scheme (ERS). This framework, with its pro formas, became the established conduit of communication between prison and IND staff, usually in the criminal casework team (CCT) in Croydon. This could lead to the assumption by prisons that all foreign nationals would be removed at the end of sentence. This did not necessarily coincide with detainees’ circumstances. In our detainee group, two-thirds considered themselves resident in the UK, the average period of residence being five years. Forty-four per cent said they had family living here: a consideration that would need to be taken into account and weighed against the seriousness of the offence in deciding whether to proceed to deportation.

3.25 Most prisons informed IND when foreign nationals arrived, often with an ERS inquiry form; some contacted IND at an intermediate stage; all timetabled further contact 14 days before the expected release date, but not all systematically followed the three-month process suggested in the ERS Prison Service Order for presumptive cases<sup>12</sup>. However, there were considerable flaws and failures of communication. Prisoners were sometimes not told about it by the prison. Many found out about it from other prisoners; but fewer than half the prisoners we interviewed had been given any information about the scheme, from either formal or informal sources. This was despite the fact that an information leaflet about the scheme in several languages was sent to prisons and is available on the Prison Service intranet. Equally, as the process depended on CCT informing prisons of progress, if there was no response or information, there was nothing for prisons to tell the prisoner. Where information was passed on, the quality was poor: letters were in English only, and even if prisoners were informed that they were eligible and given a target date for

<sup>12</sup> A six-month process applies for enhanced risk cases

removal, there was little information about what to expect or why the date was missed, if it came and went. One interviewee had been informed of his early removal date, which had passed five weeks ago, but IND had not issued any revised estimate of when he could expect to go – although he had been arrested in 1996 and had cooperated throughout with his removal.

- 3.26 As the scheme had been in operation for more than a year, the level of ignorance among prisoners was surprising. The lack of information, or explanation, provided to prisoners underpinned the perception that it was arbitrary. Prisoners could not understand why their cellmate had gone early, but they were still waiting, often past their estimated ERS removal or deportation date, and in spite of their cooperation. This gave rise to considerable frustration and anxiety, often vented on the ERS clerk, who might be equally ignorant of the reason for the delay and when they might expect to go.
- 3.27 A custody or parole clerk was usually the point of contact with IND, charged with implementing the ERS scheme, alongside other duties. In all 10 prisons staff said that they had little understanding of IND's procedures in respect of ERS, although a couple of clerks had visited CCT in Croydon. None of the staff we spoke to were aware of training<sup>13</sup> delivered by the NOMS unit responsible for the early removal scheme. They had learnt from experience, had in all cases set up their own process systems, guided by the PSO process timetable, but felt isolated and lacked managerial oversight – mainly because managers did not know enough to effectively oversee. In a few cases, in prisons with large foreign national populations, effective specialist information processing systems were in place. In Morton Hall a sophisticated, colour-coded spreadsheet, recorded status, IND references and contacts, stage of case, dates to note, and priority cases. This enabled proactive casework. Bronzefield had an effective system of notice boards, which meant that status and action were conspicuous.
- 3.28 In general, in all 10 prisons, staff complained that the formal channels of communication with CCT about both ERS and deportation were ineffective and wasted their time. In some prisons, staff who were lukewarm about implementing the ERS scheme gave IND lack of follow-up as a reason for not engaging. Typical file notes and comments made to us were that it was difficult to get through to CCT, the hotline did not work, messages went unanswered, faxes disappeared, staff kept changing with no one taking responsibility and making it difficult to forge links.

*“Why is there no PSO to cover appropriate action for these immigration cases? It seems unfair to put responsibility for devising a system on people like me, with no training or knowledge in these areas...A disproportionate amount of time is needed to chase IND for simple tasks and information. IND cannot be relied on to do as promised.”*

*“Files appear to be passed from [CCT] caseworker to caseworker. Nothing is done and no responsibility taken for lack of action. If a caseworker is not known or allocated then there is no one to turn to at CCT to get information or movement. No one at CCT appears to have an overview of cases or knowledge of cases outside of his or her own task. CCT are unreliable and need constant checking to ensure any promised action is undertaken.”*

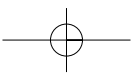
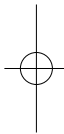
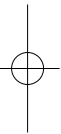
*“There are too many forms. They could be simplified. I don't mind the work, I just don't like feeling confused all the time.”*

13 The Sentencing, Policy and Penalties Unit in NOMS has delivered ERS training and operates a helpdesk.

- 3.29 A repeated grievance was that IND served notices of intention to deport and detention orders at the last minute, thereby wasting and undermining any work undertaken to prepare for release, such as setting up licence conditions and, occasionally, arranging tagging for home detention curfew.
- 3.30 Local prison staff were also sometimes doing IND's work: for example, we observed discipline staff setting up embassy interviews for travel documentation purposes, following IND instructions, but unable to give much advice to the prisoner about the purpose, consequences of compliance or non-compliance, or next stages. Unable to obtain information themselves or to motivate action from CCT, some prisons established contacts with other local IND offices and used them as a more reliable route to try to speed up processes.
- 3.31 Prison staff relied on their own acquired experience and set up their own recording systems; it was therefore likely that the system would fail if the individual staff member left, or if the prisoner transferred, with information and process not built into the prisoner's file or his or her entry on LIDS.
- 3.32 If people were not eligible for ERS, were not prepared to cooperate for whatever reason, or simply wanted to know what their options were, there was little help available. One young woman was not eligible for ERS because her baby was due shortly and the airline would not carry her. However, there was little exploration of what alternative steps could be taken as the end of her sentence approached.
- 3.35 In spite of the limitations, we found many conscientious prison staff who were doing their best to make the process work: locating immigration information on files which had passed through many prisons, cross-referencing and updating LIDS; marking files and diarising follow-up as best they could, relaying prisoner queries to IND and chasing them up. Most contact was initiated by the prison, not IND. However, the files were nevertheless incomplete, as staff did not necessarily know what was important: for example, monthly detention reviews were not routinely filed.

## Good practice

- ◆ *Staff at Morton Hall had developed links with the local immigration office and had worked with them to verify passports, confirm prisoners' identities and progress casework. The colour coded computerised log used for managing early release, immigration and deportation was practical and effective.*
- ◆ *Bronzefield funded a qualified independent immigration advice agency to provide regular surgeries for prisoners with immigration difficulties.*
- ◆ *Bronzefield kept a count of the number of days women spent held solely under Immigration Act powers from the point of earliest release to the date they left the prison, and aggregated statistics were kept of the number of cell day spaces taken up by detainees who should not have been in Prison Service custody.*
- ◆ *The Verne had issued a locally written leaflet on arrival, explaining the early removal scheme (ERS) to all foreign nationals and asking if there were any reasons why they should not be considered, such as asylum claims, or impediments such as lack of a passport. However, this was not available in languages other than English.*



## Chapter 4 – Resettlement and preparation for release

### Summary

- 4.1 **In this chapter, we draw mainly on in-depth interviews conducted in five of the fieldwork prisons, where we spoke to foreign national prisoners close to their discharge dates and to specialist resettlement staff. We consider the needs of those resettling into this country and those resettling abroad. This chapter also includes evidence from survey findings and the general staff and prisoner interviews.**
- 4.2 **We found that immigration uncertainties had a considerable impact on the prison’s ability to prepare prisoners for release and resettlement and were a major concern for both prisoners and staff. Foreign nationals generally had poorer access to resettlement services and were less likely to receive them. The applicability of the offender management model to foreign nationals was an associated area of confusion, as was probation contact with foreign nationals in the absence of clear guidelines to prisons and probation areas. In terms of risk assessment and management, the unavailability of previous conviction and other information about foreign nationals resident abroad was a hindrance to effective sentence planning and raised important public protection issues. It was also clear that black foreign nationals had a particularly poor experience of resettlement services.**

### Prisoners’ views

- 4.3 In our survey, foreign national prisoners tended to report poorer access to help with preparation for release than British nationals. For example, they were significantly less likely to know whom to contact within the prison to get help with employment, accommodation, managing their finances and education (see appendix 10). This is partly explained by the fact that resettlement staff in most prisons are unable to provide significant assistance for prisoners who are not resettling into this country. Within the foreign national group, black foreign nationals were particularly likely to say that they did not know where to obtain help with resettlement difficulties. For example, they were the least likely of all foreign national groups to know whom to contact in the prison with regard to future employment, or help with finances and education on release (see appendix 11). Although more sentenced foreign nationals said they had a sentence plan than their British counterparts (60% compared to 51%), only a third of black foreign national respondents reported having a sentence plan (see also personal officers, chapter 3).
- 4.4 In general prisoner interviews conducted in the 10 fieldwork prisons, foreign nationals identified preparation for release as the fourth most prevalent and fifth most serious problem they faced in prison. Forty-three per cent of prisoners said it was a problem and, on average, those who reported it as a problem said it was a big problem (rated as 4 on the 1 to 5 scale). The comments made by interviewees helped us to develop a better understanding of the nature of this problem for prisoners. The biggest group of comments about specific needs (16%) related to the uncertainty surrounding immigration problems:
- “I can’t make plans; I need to know if I am going to be deported.”*
- 4.5 Just under a third of interviewees said they had received some kind of information to prepare for release. This figure will have been affected to some extent by the fact

that some prisoners were at relatively early stages in their sentences, while others would not have been expecting release for many years. Others may simply not have recognised that the information given related to resettlement objectives. However, it is still a surprisingly low figure given that preparation for reintegration and resettlement can theoretically start at reception and induction, and is an important element in work to address offending. When we asked specifically about the following areas of resettlement assistance, few foreign nationals had experienced them:

- ◆ 11 (9%) had attended pre-release classes
- ◆ 25 (21%) had attended offending behaviour programmes
- ◆ 32 (27%) had early removal scheme (ERS)/home detention curfew (HDC) information
- ◆ 35 (29%) had contact with probation in prison
- ◆ 22 (18%) had contact with outside probation staff

4.6 Access to services was even worse for those foreign nationals whose first language was not English, particularly in terms of probation contact, as shown in Table 17 below.

**Table 17 Prisoner access to services, analysis by language**

	Pre-release	OBPs	ERS/HDC	Probation in	Probation out
English	4 (13%)	7 (23%)	7 (23%)	12 (39%)	7 (23%)
Other	7 (8%)	18 (20%)	25 (29%)	23 (26%)	15 (17%)

4.7 Although numbers are small, another notable finding is the lack of resettlement help reported by Africans and by those from the Middle East. Nearly 80% of prisoners from these areas claimed to have had no offers of help, compared to just under two thirds of all foreign nationals.

**Table 18 Prisoner access to services, analysis by nationality**

	Offered help	Not offered any help	Not answered
Middle East	2 (14%)	11 (79%)	1 (7%)
Africa	6 (20%)	23 (77%)	1 (3%)
Americas	2 (22%)	6 (67%)	1 (11%)
Asia	6 (32%)	9 (47%)	4 (21%)
E. Europe	6 (35%)	11 (65%)	0
Europe	7 (39%)	10 (56%)	1 (6%)
West Indies	6 (43%)	7 (50%)	1 (7%)
<b>Total</b>	<b>35 (29%)</b>	<b>77 (64%)</b>	<b>9 (8%)</b>

### ***Specialist resettlement interviews with prisoners***

4.8 These interviews (19 in total) were intended to provide more in-depth qualitative information about the resettlement experience of foreign national prisoners. Only prisoners who were close to their release dates and were serving sentences of at

least 12 months were interviewed<sup>14</sup>, and the majority (12) had already been in prison for more than a year. It would therefore be expected that by time of interview they had received most of the resettlement or pre-release assistance they were likely to get.

Three main issues emerged:

- ◆ the pervasive impact of immigration problems on resettlement and preparation for release
- ◆ confirmation of the more general finding of a lack of information about and assistance with immigration issues
- ◆ foreign nationals were particularly motivated to engage in education and work.

4.9 Sixteen of the 19 prisoners knew they faced significant immigration problems that would affect resettlement plans, and 10 knew they were going to be deported. Only three were reasonably sure that they would be released in the UK, and in the opinion of specialist inspectors, even they were at risk of some form of immigration action.

4.10 When asked what they had done to prepare themselves for release and resettlement, education and work were the most prominent themes. Just under half of interviewees said they were doing ESOL, the most popular education course. Maintaining contact with family was the next most common thing that prisoners identified, but only two had any visits, and both of them had UK-resident family. For most, phone calls and letters were the only means of staying in contact with family.

*“Best thing I’ve done here, ESOL brilliant. Got English level 1 and 2, and basic skills.”*

*“I keep in touch with my family by phone – they do not visit – it is too far.”*

### **Main resettlement problems and assistance**

4.11 Eighteen prisoners expected to face problems on release and many prisoners thought they would be facing more than one main problem, as outlined in Table 19 below:

**Table 19 Problems anticipated by prisoners on release**

Problem	Number	Problem	Number
Employment	10	Deportation	5
Supporting children/family	5	Accommodation	3
No family	3	Re-integration	3
Brothers been killed	2	Finance	2
Health problems	1	If deported will be killed	1
Lost confidence	1	Lost trust in people	1
Returning to education	1	No problems	1

4.12 The most frequently mentioned problem that prisoners were expecting to face on release was employment. Generally, the reasons for this were not too dissimilar to those faced by British prisoners: for example, the difficulty of finding work (though this was a particular concern for foreign nationals with depressed home country

<sup>14</sup> The only exception to this was a prisoner who had a sentence of 8 months.



economies), lack of relevant skills and the reluctance of employers to give jobs to people who had been in prison. The five prisoners who were worried about removal or deportation all had different reasons for concern. These included uncertainties around whether they were being deported, concern about exactly which part of the receiving country they would be sent to, worries about being isolated in what had become – after many years in the UK – unfamiliar home countries, and a lack of understanding of home country as well as British procedures.

*“Biggest problem by far is deportation threat– haven’t lived in Nigeria for 17 years – no family members live there now, no links there – very worried at prospect – affecting my health too – worried I shall not survive sentence.”*

*“Travel will be OK unless they send me to Jo’burg. I have heard of people being delayed going in but not worried now – cannot do anything about it anyway.”*

- 4.13 Another problem prisoners were frequently expecting on release was supporting children and family. Five prisoners thought this would be a problem, and it was sometimes linked to immigration issues:

*“Family [in England] will be destitute if I am deported, three children (8, 7 and 5) and a wife who doesn’t work.”*

- 4.14 Two thirds of interviewees said that they had received some form of help in preparing for release, and a quarter mentioned something that might have helped with their immigration difficulties, such as foreign national meetings and access to Citizens’ Advice. When asked what other help might have been useful, four specifically mentioned immigration advice and three mentioned education courses that provided a trade skill useful to them on release (see good practice point relating to Morton Hall below).

- 4.15 Overall, we did not detect any particular restrictions on work opportunities for foreign nationals, though there was some evidence of a link between language problems and restricted access to some types of work:

*“I asked ... for a job but was refused because I do not read or write English.”*

- 4.16 In fact, much of the work available in prisons is still relatively menial, repetitive employment which requires few communication skills or other abilities. However, we found examples of prisoners who had been able to obtain more skilled prison work and improve their future employment prospects by learning English:

*“I have been improving my English – I worked in hotels and may go back to this – it is best to have 3 languages. I work in the kitchens – have food hygiene certificate and I am working for NVQ in catering – these should all help.”*

### **Home Detention Curfew (HDC) and Early Removal Scheme (ERS)**

- 4.17 When asked if they had been given information about both of these, 15 (79%) prisoners said yes and 4 (21%) said no or did not reply. Of the 15 prisoners to receive information, 60% (9) had been given the information by the prison, the other 40% (6) had heard about it through other prisoners or voluntary agencies. (See Chapter 3 for more discussion.)

### **Contact with agencies to assist in preparation for release**

4.18 The main theme in relation to the support provided by other agencies was a disparity of provision between statutory and voluntary/community sector agencies. Foreign national prisoners perceived a lack of interest and pre-release assistance from the probation service, but had a strong appreciation of voluntary/community sector agencies where they were present. Such agencies generally focused on welfare needs. However, the lack of contact with the probation service points to serious problems with offender management and has implications for effective risk management and rehabilitative work. This is not the responsibility solely of probation areas who have to make difficult decisions about how to prioritise limited resources. It is part of a wider systemic failure of NOMS to provide sufficient practice guidance for the case management of foreign national offenders.

### **Probation Service**

4.19 Under half of interviewees reported having had any contact with the probation service, usually with prison probation staff. They were generally unclear about the contact they could expect from the probation service, and had little if any contact with probation staff outside prison.

*“Always been clear to me that they don’t have much to offer because I don’t reside in this country and will be deported...”*

*“Not met any probation staff at all – what are they? Think that they look at your release so maybe will see them later – but no contact as yet.”*

### **Voluntary/community sector agencies**

4.20 Just over half of prisoners said they had received help to prepare for release from a voluntary group or community agency. The main groups mentioned were Hibiscus, New Bridge, and Citizens’ Advice. The comments about the assistance provided by them were almost entirely positive.

*“[The] New Bridge volunteer has been absolutely amazing, they are really good and have assisted me in terms of communications with my family abroad and in visiting me in prison.”*

4.21 The main reasons given for contact with such agencies were that they were the only chance of getting a visit; they could aid contact between prisoners and distant family members; and that they could help to resolve problems or explain issues about the prison system.

### **Embassies and High Commissions**

4.22 In general, foreign nationals had low expectations of receiving any assistance from their embassies or high commissions, and only four said they had received such help. Two prisoners said that they had tried to contact them but heard nothing back.

### **Assessing and managing the risk of reoffending**

4.23 When asked about what led them to commit an offence, the most frequent answers were money problems (just under a half of interviewees said this) and being introduced to drug smuggling (a third said this). These two factors were closely

linked, i.e. a person was having money problems and a friend would 'suggest' to them importing drugs. Employment was put forward by three-quarters of prisoners as the thing that would help them to avoid trouble in future.

### **OASys assessments**

4.24 In common with UK nationals, a substantial number of foreign nationals had not had an OASys assessment done, but those who had experienced it were broadly positive. Of the 15 prisoners eligible for an OASys assessment, six had had one completed. Five out of the six prisoners who had an OASys assessment gave a positive response and praised its helpfulness, the focus and direction it provided:

*"Didn't know what it was about – but when I saw it felt that the areas it looked at were very useful – tells you what you need to do and what's left up to you to do."*

*"Found it relevant and useful, useful to keep you focused – useful for me anyway."*

*"They gave me a lot of options and helped a lot."*

4.25 The one person who was negative about it was not critical of OASys itself, but about having to wait so long into his sentence before it was completed that he thought it might not be helpful in resettlement planning.

### **Criminal justice or other official agency contact in country of residence**

4.26 Prisoners were asked if they were expecting any contact with the criminal justice or other official agencies on deportation to home countries as a result of the nature of their offence. This question was intended to elicit any potential public protection issues. Twelve prisoners were expecting to be deported or removed and nine of these prisoners answered this question. Only one was expecting some form of ongoing supervision. The others were unclear about the prospect of official involvement from their home authorities and thought this would only be in relation to their immigration status. None expected any form of intervention matched to their risk level. The type of contact they expected was noted as follows:

- ◆ questioning by the German police
- ◆ expects to appear in court on the charge of travelling on false papers
- ◆ interview with Romanian authorities
- ◆ could be put on a licence

### **Impact of immigration on prisoners approaching release date**

4.27 In order to prepare for release, and subject to risk assessment, prisoners can be considered for allocation to open conditions (category D) and release on temporary licence (ROTL). First time offenders with short sentences are likely candidates for open conditions. Foreign nationals were not barred, but some prisons adopted the simplified view that liability to deportation closed these options and did not even assess prisoners, while others were prepared to risk assess and recategorise. This gave rise to the impression of arbitrariness.

*"I heard six months ago that I was considered suitable for open conditions subject to IND comment. Nothing more was heard. The foreign nationals officer said that IND did not respond."*

- 4.28 One young mother had in fact been released on temporary licence a number of times at a previous prison to attend hospital appointments and the christening after her baby was born. Nonetheless, in the prison where we met her she had been told that foreign nationals could not have this facility.
- 4.29 Once the release date was passed, and people were detained solely under Immigration Act powers, they were classed as remand prisoners and sometimes lost work and pay as a result. The basic prison allowance of £2.50 a week was all they received if (as was often the case) they had no financial support from family members. Prisons run on the basis that occupants should be occupied during the day, and work has value in terms of safety and rehabilitation. Crucially for those approaching deportation, at exactly the time that they needed to contact family at home to keep them informed of release and removal arrangements, they were less able to do so.
- 4.30 Becoming a detainee was a particularly stressful and often unexpected process for prisoners who did not know when they were going to be deported or released. It was therefore an extremely bad time to have the ability to work withdrawn with the attendant financial stress.

## Staff views

- 4.31 In addition to the 16 in-depth interviews with resettlement specialists, staff views were elicited from the 57 general interviews, primarily involving landing staff, and from the national survey of 107 foreign national coordinators. There was limited awareness among landing staff of the main problems identified by prisoners, but foreign national coordinators were better informed. Specialist resettlement staff were generally aware of different needs among foreign nationals, but did not have a good understanding of the impact of immigration difficulties. The particular needs of foreign national prisoners were rarely incorporated into resettlement strategies. Foreign national coordinators appeared to be most aware of the impact of immigration issues on resettlement but were unlikely to be located in resettlement departments or to make a significant contribution to strategic resettlement planning for foreign nationals. The necessary knowledge of foreign national and resettlement issues was therefore located in disparate departments and unlikely to result in coherent resettlement work.

### **General staff interviews**

- 4.32 When asked about access to services, most staff felt that foreign nationals had the same opportunities as British nationals, and were unaware of the particular difficulties facing foreign national prisoners in their establishments (see appendix 16). Only 39% of wing staff were aware of any particular issues in relation to preparing foreign nationals for release compared with British nationals. A quarter highlighted immigration related issues, e.g. prisoners told of removal too late to prepare, problems in locating passports or obtaining travel documents, and difficulty in understanding immigration paperwork. Five per cent highlighted uncertainty over the future, which may or may not have been as a result of removal or deportation, while 14% identified a range of other issues, including locating property, family contact and work skills being irrelevant to home environments.

### **Foreign national coordinators**

- 4.33 As would be expected, there was a far greater awareness of difficulties faced by foreign nationals among staff coordinators. Three-quarters identified lack of preparation for release as a problem, rating it as the fourth worst problem for foreign nationals. They felt that the fact that there was little or no notice of deportation and general immigration issues were especially problematic:

*“No discharge grants or resettlement opportunities and travel warrants only take them to the nearest port, not home address.”*

- 4.34 Other comments referred to problems with language preventing foreign nationals benefiting from available services. Eighteen per cent of coordinators said that little or nothing was done with foreign nationals, for example because they were transferred or deported before work could be done. Seven per cent stated that foreign nationals were offered the same resettlement services as British nationals, but did not specify what these were. In reply to the question ‘What more needs to be done?’ immigration related problems again emerged as the most prominent need, particularly the need for IND to respond to queries more quickly and provide more regular communication. In particular, they wanted prisoners given more warning of removal. Other comments included the need for pre-release classes, better links with outside agencies, staff training, particularly on resettlement issues for foreign nationals, more efficient early removal scheme arrangements, and better access to offending behaviour programmes.

### **Specialist resettlement staff interviews**

- 4.35 While the depth of knowledge about general resettlement work was predictably impressive among specialist resettlement staff, their awareness of the impact of immigration difficulties was limited. Few prisons could identify how many foreign national prisoners were released into the community in the UK rather than deported or removed. Risk assessment and public protection procedures were an area of serious concern, and there was evidence of foreign nationals being systematically disadvantaged in terms of access to resettlement and rehabilitation services.

### **The distinct resettlement needs of foreign nationals**

- 4.36 All but one member of resettlement staff thought that foreign nationals had requirements distinct from British nationals. Over a third mentioned language problems but only a quarter considered that immigration issues might be a problem. Eleven staff said that foreign national prisoners were actually identified as a distinct group in their prisons. However, the distinct needs of foreign nationals were incorporated into the resettlement strategy of only one prison (see good practice at The Verne below).
- 4.37 A range of other issues was raised, the most important being:
- ◆ The difficulty of doing risk assessments, generally because there was no information available on previous convictions. This was a particular problem with OASys, which is not reliable in the absence of accurate previous convictions data. We were told it was quicker and easier to do OASys with foreign nationals as there was rarely any verifiable information to enter, but also more difficult to set realistic offending-related or other targets.

- ◆ One prison received no credit for putting foreign nationals through accredited programmes, which meant that they were given lower priority for courses. The agreed key performance target (KPT) had taken no account of the concentration of foreign prisoners in the establishment, which effectively built in an institutional disadvantage for foreign national prisoners in reducing their risk of reoffending. The resettlement manager, was attempting to resolve the problem with the area manager, and complained of the “mixed messages” this gave because the “targets mean that if we have lots of foreign nationals, then I’m failing as a resettlement manager”.

4.38 Two other work-related issues were mentioned. First, foreign nationals had limited possibilities to have money sent in, and were therefore strongly reliant on being able to earn money in the prison. Second, they could not line up employment for release (in the UK or in home countries).

### ***Where foreign national prisoners go on discharge***

4.39 No official figures were available from IND on how many foreign national prisoners were released into the community and how many were deported or removed. Our experience suggested that, if prisons were asked to provide such figures, most would have trouble supplying them.

4.40 Most specialist staff had little idea of what proportion of foreign nationals were released into the community rather than deported. Only five (31%) staff said that figures were definitely collected about where foreign national prisoners went on release, though this included all three staff interviewed in one prison. Only three of the 10 fieldwork prisons were able to supply these figures when they were subsequently requested. One establishment initially told us that in October 2005 there were 75 discharges, with 15 (20%) deported, and 60 (80%) being released into the community. When we requested confirmation of these figures in writing, we were told that such figures were not available. Table 20 shows the results for the other prisons:

**Table 20 What happened to discharged foreign nationals from 3 prisons**

Establishment type	Number of people discharged (Sept 05 – Feb 06)		
	Local	Women’s	Trainer
Removed/deported	7	29	36
Released into the community	37	3	1
Temporary release under supervision by immigration	0	0	0
Transferred into an immigration detention facility	3	40	0
Transferred to another prison	76	0	72
Other, please state	14 bailed	0	0
<b>Total number discharged</b>	<b>137</b>	<b>72</b>	<b>109</b>

4.41 Only one member of staff said that foreign nationals were treated differently by resettlement services if it was known that they were to be deported or removed. A couple of staff said that although their department did not make a distinction, some



other departments might have to – one example given was housing/accommodation, the implication being that foreign nationals were unlikely to be considered for accommodation assistance because it was assumed that they would not be discharged into the UK.

### **Public protection**

4.42 Four staff said they had encountered public protection issues specific to foreign national prisoners, and gave the following examples:

- i) One case illustrated the dangers of *“not knowing most of the time the antecedents of those foreign national prisoners we work with ... [making] ... risk planning ... problematic”*. The prisoner in this case wanted to work with young people on release, running yachting courses for vulnerable and deprived young people. Enquiries through NCIS (National Crime Intelligence Service) established that he had previous conviction for sexual offending abroad. In this instance, a member of staff had been proactive in obtaining relevant information about the prisoner, but there was no expectation to do so, nor any means of relaying such information to home country authorities.
- ii) A foreign national prisoner told staff he always carried a weapon because he felt vulnerable as a result of his sexual orientation. They felt he was a high risk and one day would kill someone. They wanted to relay their concerns to the appropriate authorities in his home country but had little idea of what to do: *“If they [foreign national prisoners] are being released into UK [you] know who to contact ... no such links for foreign national prisoners being deported”*.
- iii) One member of staff spoke more generally about how useful it would have been to contact and liaise with the home country of a high risk offender about this prisoner so as to minimise his risk of reoffending.

4.43 These examples show that the main concern of staff was not knowing whom to contact to resolve public protection issues in relation to foreign nationals, especially if they were being deported or removed.

### **Preparation for release and agencies able to offer resettlement assistance**

4.44 As any foreign national may be at risk of immigration action at any point prior to release, staff believed that foreign nationals as a whole were considered a low priority group within probation areas.

*“None I have met have had any contact with outside probation. I have not seen any PSRs [pre-sentence reports] on foreign nationals.”*

*“Throughcare in [probation area] is in crisis – for UK nationals let alone foreign national prisoners ... a dangerous lack of involvement.”*

4.45 These findings are particularly problematic in the context of OASys assessments and the concept of end to end offender management. As it is never clear if or when a foreign national is to be deported or removed until actual release, it cannot be assumed that the new case management arrangements for dealing with offenders do not apply to foreign nationals. This has far reaching implications for the resettlement work of both the probation and prison services, and we found no evidence of attention being given to this issue.



- 4.46 Most staff were aware of some community or voluntary sector groups that might help with foreign nationals in their prison. However, it was clear (from both prisoner and staff interviews) that only two, Hibiscus and New Bridge, were providing ongoing specialist assistance with preparation for release, while another group, the Detention Advice Service, was providing immigration advice that could help alleviate resettlement concerns.

*"[Hibiscus] ... help with family contact, paper work, help with any other advice and practical issues."*

*"[New Bridge] ... liaise with prisoners and custody clerk, come in once a week."*

- 4.47 The other organisations mentioned either provided general support (e.g. Alcoholics Anonymous, chaplaincy, and local visitors' groups); did not give direct help to prisoners; and/or visited on a one-off basis (e.g. Refugee Council "once gave a talk to the FN management team – very helpful"). Most staff thought the most useful role of such organisations was to provide individual support and help to reduce isolation among foreign nationals, and/or facilitate groups for foreign nationals. Funding is a constant issue for voluntary sector groups and both Hibiscus and the Detention Advice Service relied on funding from individual prisons to provide specific services to foreign national prisoners. New Bridge had a contract to provide a wide range of services, and put some effort into identifying the specific needs of foreign nationals.

- 4.48 Though it was still in the development stage, one interesting scheme to assist Jamaican male prisoners was mentioned at The Verne. It aimed to give prisoners better information about release and resettlement, and provide a support network in their own country. It did this with the help of the specialist foreign national women prisoners group, Hibiscus, which has an office in Jamaica. This embryonic scheme showed an innovative approach to the resettlement needs of the largest single group of foreign nationals within that prison.

- 4.49 Prisoners' poor opinion of the support provided by embassies and high commissions was supported by staff. They also found it generally hard to contact embassy staff and to get information or help from them. Only a third of specialist staff were aware of their involvement at any level, though they might have an important role, especially in providing information about home countries.

*"I have managed to get help [from the embassy] but only after much perseverance – and we do not always have time. We need help getting relevant information from home countries – especially after disasters strike."*

### **Access to activities**

- 4.50 While all but one member of specialist staff thought that foreign nationals had equal access to employment, education and training, some later qualified this statement, mainly because of the difficulties associated with language and immigration problems. ESOL was identified as an important means of improving access, but some felt that simply being in a working environment could "help with language skills as much if not more than ESOL".

### **Good practice and areas for improvement highlighted by specialist staff**

4.51 The good practice points raised by staff included the initiatives and practices described below. They did not necessarily relate directly to resettlement services, but were appropriate given the need to address some underlying problems which affect foreign national prisoners' ability to obtain assistance. While some of the best practice was observed in prisons with very large foreign national populations, there is no reason why elements of their approach cannot be adopted elsewhere. Two prisons in particular (Morton Hall and The Verne) provided good examples of dedicated and wide ranging resettlement provision for foreign nationals in response to specific need.

## Good practice

Resettlement staff were asked to identify any good practice at their establishment. We recorded the following:

### **Morton Hall**

*Morton Hall had devoted considerable resources to work with foreign nationals, including two full time foreign national officers and a dedicated senior officer, all of whom were based in the resettlement department. A senior manager maintained an active oversight over the policy development areas. The team had identified and formulated responses to many of the existing weaknesses in resettlement work with foreign nationals. They had developed links with 24 international criminal justice agencies to support prisoners' reintegration and risk management. In addition, they had close contacts with staff in a number of embassies and consulates. While OASys was diligently done with all foreign nationals, in accordance with the restrictions of the Data Protection Act, any information gathered was not passed on to home country services without the offender's permission.*

*Hibiscus provided a regular service to the prison, and a member of the prison team had attended the Hibiscus international conference on working with foreign national prisoners. A number of strategies had been developed and adapted as a result. For example, the prison provided small holding and small business management courses in response to the need to help women develop skills that would be of immediate use in their home countries. Specific training was available in running a chicken farm and animal husbandry.*

*They also ran six drug importers' course a year, with 60-70 women going through the programme each year.*

### **The Verne**

*At The Verne a distinct foreign national prisoner pathway had been written into the prison's resettlement strategy. It ensured that the distinct resettlement needs of foreign nationals were specifically addressed. A wide range of translated information was kept on a computer database and made available to prisoners as required. A drug importers' course established because of the high numbers of foreign nationals with such offences had been accredited for use on a regional basis. This group work programme was a good example of an*

*continues*

*continued*

*establishment addressing particular offending issues not directly addressed through other offending behaviour programmes. The New Bridge partnership provided resettlement support and advice for foreign nationals which was much praised by prisoners.*

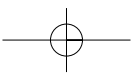
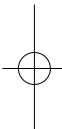
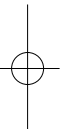
Other good practice was:

- ◆ *Three prisons had foreign national support groups or meetings facilitated by prison staff. Their general purpose was to provide information and support, including but not exclusively focusing on preparation for release.*
- ◆ *Immigration surgeries provided by IND were reported in a few prisons, though we did not observe these in action. They have become more common in prisons over the last two year and could provide the basis for better information and progress in individual cases.*
- ◆ *The education unit in one prison provided an in depth needs assessment as part of the induction process.*

### **Areas for improvement identified by specialist resettlement staff**

5.54 Five main suggestions were made:

- ◆ In half the prisons, staff suggested that more OASys resources should be made available, allowing every prisoner to have a thorough needs and risk assessment to underpin resettlement planning, regardless of nationality.
- ◆ The need for specialist help, information and training was also mentioned, and suggestions included more time for voluntary groups, improved links with organisations such as Citizens' Advice, more communication with other prisons where good practice was taking place, and general information/training on the resettlement needs of foreign national prisoners.
- ◆ The third identified area was that of language provision, including more translations and more ESOL classes.
- ◆ Fourth, a more coordinated approach to work with foreign nationals was a prominent theme. Suggestions included using trained prisoners to help foreign nationals, devising a resettlement strategy group for foreign nationals, a clearer lead on foreign national issues from senior managers, and better liaison with IND.
- ◆ Finally, the need for central guidance was also noted: "The Prison Service needs to give us a strategic view on foreign nationals – do you want us to work with them?"



# Chapter 5 – Health

## Summary

- 5.1 **In this chapter we examine foreign national prisoners’ experiences of healthcare in relation to their perceived needs and other problems. Data is presented from the 121 general interviews with foreign national prisoners that included questions about health, 95 completions of the general health questionnaire (GHQ12)<sup>15</sup>, and an examination of the clinical records of those interviewed. These findings are contrasted with a control sample of 109 British prisoners matched for age, sentence length and time in the establishment, 106 of whom also completed the GHQ12, and whose clinical records were also examined.**
- 5.2 **We found that foreign nationals rated health as their fourth most prevalent and serious problem and were more likely than British prisoners to claim they had health problems. They accessed healthcare at about the same rate as British prisoners, but the dentist and optician less. They complained of different health problems to British prisoners, perhaps linked to a less serious pattern of previous substance misuse.**
- 5.3 **Measures of distress, by means of the GHQ12, for all prisoners were above a threshold of clinical need, and were highest for women regardless of nationality. Foreign women also reported health as a greater problem than did foreign men or young adults, though fewer women reported thoughts of self-harm than did foreign men. All said that they would turn more readily to their peers for support than to staff or British prisoners.**
- 5.4 **Language problems made it more difficult to apply for healthcare or to benefit from a medical consultation, and Language Line or interpreters were rarely used. Despite this more foreign than British prisoners were satisfied with the healthcare service they received and felt that their healthcare needs were being met. Translated health information was not provided centrally.**

## Fieldwork

- 5.5 None of the healthcare managers or their representatives in fieldwork prisons were able to tell us what the foreign national population at their establishment was, and there was no systematic recording of nationality in healthcare records. From the general interviews, the majority of both foreign national (90%) and British prisoners (92%) had accessed healthcare at some point during their time in prison.
- 5.6 Table 2 shows that foreign nationals identified health as the fourth most prevalent and serious problem after the three primary issues of language, immigration and family contact. Table 21 below shows that there are regional variations in the prevalence and severity of health problems. Africans and those from the Americas reported more health problems than those from Eastern Europe or the West Indies, though Africans rated their health problems as less serious (3) than those from the Middle East (5), against an average of 4.

15 *The General Health Questionnaire*. Goldberg David and Williams Paul, nferNelson, 1988.

**Table 21 The numbers and percentages of foreign national prisoners from different regions identifying health as a problem, and its severity**

Region	Number	Percentage	Severity
Americas	6	67	4
Africa	17	57	3
Asia	8	42	4
Europe	7	41	4
M East	5	36	5
W Indies	4	29	4
E. Europe	3	18	4
All nations	50	42	4

5.7 We expected that foreign national prisoners might have particular physical health needs associated with their ethnicity, and/or increased mental health needs as a result of their displacement and increased isolation. From our general interviews this seemed to be the case, as more foreign national prisoners than British claimed to have health needs.

**Table 22 The numbers and proportions of foreign national and British national prisoners in interview claiming to have health needs**

	Have health needs	
FN women	14	58%
FN men	50	53%
BN women	10	44%
BN men	39	46%

5.8 The general interview also suggested that foreign national women were more concerned about their health than were foreign national men or young adults. More women (58%) than men (44%) or young adults (20%) reported health as being a “main need”, and younger prisoners rated their health problems as less severe (3) than older prisoners (4).

5.9 In interview, prisoners identified their health problems, and both British and foreign prisoners complained of musculoskeletal problems, depression and stress. In addition foreign prisoners mentioned eye, teeth and mouth problems, headaches and migraines, and British prisoners mentioned respiratory problems, skin conditions, blood disorders, and heart and circulatory problems. It was difficult to know the reason for these differences. The eye, teeth and mouth problems did not appear to be opportunistic, in that foreign prisoners accessed both the dentist and the optician less often than British prisoners.

**Table 23 The numbers and proportions of foreign national and British national prisoners reporting ever having accessed the dentist or optician**

	Ever accessed the dentist		Ever accessed the optician	
FN prisoners	41	35%	24	21%
BN prisoners	49	46%	27	26%

## Substance misuse

5.10 Part of the explanation for different health needs may lie in a different pattern of previous substance misuse. In reception health screens fewer foreign than British prisoners reported previous drug or alcohol use, and this was reported by only one foreign national woman. Furthermore, healthcare staff told us that at the reception screen the drugs used by foreign prisoners were less often class A than class C drugs, and that foreign national prisoners often did not class cannabis as a drug, or their use of it as a problem.

**Table 24 The numbers and proportions of foreign national and British national prisoners recorded in reception health screens as previously using drugs or alcohol**

	Previous substance misuse	
FN women	1	7%
FN men	28	33%
BN women	13	57%
BN men	42	57%

## Psychological distress

5.11 During fieldwork we assessed general wellbeing in our sample of foreign nationals and a control group of British prisoners matched for age, sentence length and time in the establishment, by means of the general health questionnaire (GHQ12). This purports to measure the presence of the psychological components of ill health, and a cut off score of 4 out of a total of 12 is considered to represent a level of clinical need.

5.12 We expected that foreign national prisoners would score more highly than British prisoners, but in fact gender emerged as the more important source of difference, confirming that the impact of imprisonment is more severe on women than it is on men. All groups scored above the threshold of 4. Some caution needs to be exercised in interpreting this result, as the GHQ12 was administered only to those with a sufficient understanding of English. Twenty-one per cent of foreign national prisoners interviewed did not therefore complete the GHQ12, and these prisoners may well have been more distressed given the greater degree of isolation they experienced by virtue of their limited English. Moreover, the test itself may not be as culturally sensitive for foreign nationals as for the British population<sup>16</sup>.

<sup>16</sup> The GHQ manual states that it has been translated into 36 languages and “generally seems to perform well in a variety of cultural settings”. This does not rule out cultural bias, however.



**Table 25 Mean GHQ12 scores, where a score of 4 represents clinical need**

	Mean score
FN women	7.2
BN women	6.7
FN men	5.0
BN men	4.9
Overall mean	5.4

## Self-harm

- 5.13 A particular concern that we sought to investigate was the (largely anecdotal) suspicion that foreign nationals, particularly those with immigration problems, were likely to be at greater risk of self-harm. Thirteen per cent of foreign national prisoners said they had felt like harming themselves, and more men (20%) than women (4%) or young adults (4%) answered yes to this question. We have no benchmark for British prisoners to know how this compares, but figures from Safer Custody Group indicate that foreign nationals are not over-represented in the self-harm statistics<sup>17</sup>. More prisoners from the Americas reported they had felt like self-harming than from any other region, but this was not linked with immigration status or language, or previous residency in the UK.
- 5.14 Although self-harm risk was not higher in those who did not speak English, it was much harder to implement robust management of self-harm if the prisoner did not speak English.

## Case study

An ACCT review of a foreign national prisoner with little English was undertaken without an interpreter present or Language Line being used. The prisoner had been in custody for 12 days but had not been able to make a telephone call and did not know about the foreign national coordinator or the Listeners scheme. There was no clear information about future court dates. The prisoner was waiting for a reply to his application for work, which he thought would help him feel less isolated. The senior officer reduced the level of watch from every two to every four hours even though he had only the prisoner's word that he was okay.

- 5.15 It was somewhat surprising that fewer foreign national women reported thoughts of self-harm given that more reported health as a problem and scored above the threshold on the GHQ12. It is possible that they expressed their distress in physical health problems rather than in self-harm. Disrupted relationships with children are a particular source of distress for women.

<sup>17</sup> Foreign nationals accounted for 7% of 16,650 recorded incidents of self-harm between July 2005 and March 2006.

## Case study

A Muslim female passport offender was in prison for the first time. She had been trying to flee problems at home to join her mother in Canada and was arrested transiting Heathrow with her two children. She had been given a 15 month sentence. She was extremely ashamed at being in custody and but kept saying that she had no complaints and did not want to make any fuss. She was the only person of her nationality and language in the prison, did not speak English, and had to bear much psychological pressure alone. She had been abandoned by her husband; a relative in the UK was reluctantly looking after the two children, and had brought them to visit her on one occasion. However, the latter had made it clear that the children were unwanted and this was causing her much concern. She had no idea what would happen to her on release, was very worried about her children, isolated, frustrated and increasingly distressed. When asked whether she had ever felt like harming herself in this prison and whether she had anyone to turn to, she replied *“No. I often feel depressed. I pray and I think of my children”. “I have one friend [who does not speak the same language], but I don’t open up fully to anybody.”*

- 5.16 All said that, in distress, they would turn to their peers more readily than to staff or Listeners, though when prompted, chaplains were identified as the staff members they would most likely approach. It seems likely that language and cultural familiarity are the main reasons for this preference for speaking to peers, particularly as language was an issue for a number of interviewees. This supports the need for foreign national orderlies who speak a range of languages.

## Communication

- 5.17 Language was a barrier even to applying to see a doctor. A member of staff in interview said:

*“It is whether they are aware of the application process. If they don’t ask, we don’t know if there is a need.”*

and a foreign prisoner commented:

*“I can say in English ‘application form’, don’t know how to complete.”*

- 5.18 Most healthcare staff were aware that interpreting services were available if needed but claimed they usually “got by” by using other prisoners or staff, and only used professional interpreters for in-depth consultations, which more often concerned mental health. Healthcare staff were generally aware of Language Line, though not all had used it. An assumption was made that prisoners would ask for an interpreter or to use Language Line if they needed it, but it was unlikely that they would know this was a possibility.
- 5.19 The danger was that difficulty in communication could result in breaches of medical confidentiality. A member of staff highlighted the problem when Language Line was not used and medical confidentiality was breached:

*“A prisoner told me about a health problem that he was very embarrassed about. He told me to get help to make an application to see the doctor. The doctor did not understand him, so I was asked to tell the doctor what it was about and we ended up using another prisoner to translate.”*

- 5.20 Another danger was that the risks that prisoners presented to themselves or to others were not managed.

## Case study

An adult male foreign national prisoner came into prison unable to speak English. His healthcare record from his previous establishment contained a mental healthcare plan indicating that he was suffering from post-traumatic stress disorder and experienced depression, anxiety and psychotic episodes. His clinical notes indicated that he had been interviewed by means of Language Line on several occasions, which revealed that he had been tortured in his home country. This resulted in episodes when he was difficult to manage and an incident in which he had tried to strangle another prisoner. When he was arrived at his next prison the reception screen was mostly blank due to the reception nurse's inability to communicate with him. The mental health section was blank except for a comment that "something was wrong with his head".

- 5.20 Despite language and cultural barriers, in interview more foreign (76%) than British prisoners (71%) felt that the healthcare staff understood what they were saying and more foreign prisoners (81% compared to 69%) felt that they were given enough time to explain themselves, though there were some complaints about other prisoners being used to interpret.

*"Time not the problem – lack of interpreter was the problem."*

## Health information

- 5.21 By far the greatest cause of frustration for healthcare staff was the lack of health information in different languages. Each establishment had tried to make its own arrangements, with varying degrees of success, and many commented on the lack of central funding for health promotion information in languages other than English. Liverpool prison had managed to obtain leaflets about cardiac conditions in a variety of languages, and Maidstone had asked the prison education department to translate some leaflets for them, but admitted that there was no way of validating the quality of the translation. Bronzefield had obtained posters in a variety of languages for the flu campaign, but had had difficulty in sourcing some European languages. Other establishments had made local arrangements for translation, but this was expensive and therefore limited. Highpoint had used the internet to obtain health information in other languages. They all admitted that it did not solve the problem of providing information if a prisoner had difficulty reading.

## Satisfaction with healthcare

- 5.22 From our individual interviews, foreign prisoners' views about the healthcare service they received in prison were more positive than those of British prisoners, though still not high, with less than half (47%) agreeing that it was good or very good, compared to 39% of British prisoners. Slightly more foreign (69%) than British (64%) prisoners felt that their healthcare needs were being met, possibly due to different expectations about what constitutes a good service.

## Chapter 6 – Conclusions and recommendations

### Primary issues: implications for practice

- 6.1 Three primary issues emerged as being the most prevalent and serious problems reported by foreign national prisoners: family contact, immigration and language. With few exceptions, staff were aware of these problems for foreign nationals, but rated them as being less serious than the prisoners themselves.
- 6.2 The main conclusion that should be drawn from the problem analysis is that any prison wishing to tackle the multiple issues faced by foreign nationals should maintain a strong focus on these three primary issues. A foreign national policy which effectively addresses these problems should lead to improvements in dealing with other linked problems.
- 6.3 It is clear that foreign nationals also have problems that they share with other prisoners, particularly those from minority ethnic backgrounds. These problems need to be tackled and dealt with through appropriate channels. However, they should not divert the efforts of specialist foreign national staff away from the primary issues. Examples might be prejudice against Muslims, or complaints about food: concerns which foreign national coordinators could systematically feed into other committees and departments, either personally or by asking foreign national wing officers or orderlies to attend meetings.
- 6.4 It is therefore important that foreign national strategies do not exist in isolation but are embedded in a wider diversity strategy. Insufficient attention to cultures of racism, stereotyping and discrimination in individual prisons may result in foreign national work, like any other initiative which requires respect for diversity, being eroded. Just as each element in the foreign national model can support the others, a foreign nationals strategy must be buttressed by, and provide support to, other initiatives that support diversity, cultural change and changes in policy and practice. It is far easier to undermine or dilute a strategy if it is not integrated into a coherent institutional approach that is intolerant of discrimination and supportive of the principles of respect and decency.

### Diversity of experience

- 6.5 We have found strong evidence for considering foreign nationals as a coherent group, with more in common than divides them and therefore in need of a dedicated policy. However, we have also identified important differences within the foreign national group which have implications for policy and practice. These differences should feed into a broader diversity strategy. Staff race relations or diversity training needs to address attitudes and reactions towards different groups of minority ethnic and foreign national prisoners on the basis not only of nationality, but also ethnicity, culture, religion and residency.
- 6.6 Black and minority ethnic foreign nationals tended to report worse experiences across a range of indicators than white foreign nationals. However, it was noticeable that black foreign nationals in particular faced greater problems in relation to critical identity issues, such as racism and religious observance. Our survey results indicated that black foreign nationals also reported the most negative experiences in relation to resettlement issues such as preparation for release and the development

of sentence plans. More negative perceptions of resettlement assistance were also reflected in the general prisoner interviews, though such differences were not generally noted by staff. The reasons for these findings are unclear, and it would be useful in the longer term to conduct further focused research into the causes of such differences.

- 6.7 White foreign nationals nevertheless had significant problems across a range of key areas, and were similarly or more likely to report problems in all areas except for racism, ethnicity, religion, language, health and canteen. An important finding was that, unlike most white foreign nationals, Eastern Europeans had particularly severe language problems.
- 6.8 There is considerable evidence that Muslims are especially likely to experience stereotyping and prejudice. It was also notable that prisoners from the Middle East had greater problems with both immigration, language and health.
- 6.9 There are some important differences in women's prisons that need to be reflected in individual strategies. Women are particularly likely to experience difficulties with family contact and immigration. Three-quarters of women foreign nationals are imprisoned for drug trafficking offences and many have primary childcare responsibilities. These factors point to the need for greater attention to the development of family contact, links with home countries, immigration advice and appropriate offending behaviour courses. In the women's prisons we visited, there was a more organised approach to foreign national work and support organisations such as Hibiscus played an important role in this.
- 6.10 While women had a greater awareness of the assistance provided in prisons, young people had the lowest awareness, despite experiencing significant problems. Young foreign nationals were also less likely than women or adult men to acknowledge that they had problems which needed to be dealt with. There was therefore a particular need for staff in these establishments to engage young people in services to prevent problems from escalating and ultimately creating more stress for both prisoners and staff.
- 6.11 Finally, residency outside the UK was a considerable risk factor for foreign nationals, and should be taken into account when targeting or devising provision.

### How are the distinct needs of foreign nationals being met?

- 6.12 Overall, the findings demonstrated a reasonable awareness of problems and good will and optimism among staff. However, this did not translate into a coherent and effective approach to meeting the distinct needs of foreign nationals.
- 6.13 Among prisoners, there was a low awareness of most forms of help and the help that was available was not necessarily reaching those in most need. For example, prisoners from the Middle East were both most likely to have immigration problems and the least likely to be offered help with them. In any event, staff generally felt unable to provide effective help in the absence of basic training and specialist immigration advice.
- 6.14 Maintaining family contact was the biggest reported problem. A free monthly international phone call was available in all prisons, but was usually provided in lieu of visits, which meant that foreign nationals with family in the UK and abroad effectively had to choose which family members they were going to stay in touch

with. A more sophisticated approach was needed to ensure that foreign nationals were given the opportunity to stay in touch with all close family members.

- 6.15 Language barriers were by far the biggest problem reported by staff working with foreign nationals. Isolation and unequal access to the prison regime as a result of language problems were a particular concern for them. However, most staff had never used the telephone interpreting service which is available to all prisons. There was a lack of guidance on when and how to use it, and some resistance as a result of the cost.
- 6.16 Where staff had experience of a form of assistance, such as foreign national groups, prisoner representatives, or wing officers, they appreciated the support these facilities were able to give them. But specialist help was uncommon and staff were generally unaware of existing resources. Relatively few areas of good practice emerged. Most of the things mentioned by staff were general good points (e.g. caring staff) rather than practices that met the distinct needs of foreign nationals. This strongly suggests the need to have guidance, and good practice models, available throughout the prison system.
- 6.17 Foreign national coordinators and strategies had a low profile among staff and prisoners, even in prisons with substantial foreign national populations. Where coordinators were known, they were seen as an essential post by staff in particular. Foreign national coordinators themselves felt they needed training, support, time to do the job and guidance on work with foreign nationals. It is clear that support from governors, and leadership from headquarters, are critical.

## Training and guidance

- 6.18 The desire of all staff for training and guidance was striking. There was no specific training on foreign national issues in any of the establishments visited. The diversity training which did exist was not sufficient to examine the complex issues relating to foreign nationals as a whole or as people with multiple identities and needs. For example, the wide range of problems affecting Muslims from the Middle East would be one such complexity that might be reflected in a training strategy.
- 6.19 However, the fact that there are no standards and little practice guidance for work with foreign nationals beyond PSO 4630 (which describes their treatment as potential detainees) and a basic information booklet (produced in 2004)<sup>18</sup>, hinders the development of a coherent training strategy that meets both the needs of prisoners and the objectives of the Prison Service. At the time of writing, the former Prison Service group dealing with foreign national issues had moved to NOMS, but despite its increased scope it had no more resources specifically for foreign national issues. Consequently, prison staff who want guidance on anything other than immigration-related issues are working within a virtual policy vacuum. This does little to encourage the development of knowledge and good practice. As one manager told us, “The Prison Service needs to give us a strategic view on foreign nationals – do you want us to work with them?”
- 6.20 It is also important in this process to recognise the limitations of any training. For example, training in immigration issues will never be sufficient to take the place of accredited specialist immigration advice workers, who are able to keep up with

<sup>18</sup> Two information and advice booklets were published, one for staff and one for prisoners. They were written jointly by the Prison Service, the Prison Reform Trust and London Probation Area in 2004 and provide basic advice and contact numbers.



changes in immigration policy, procedure and law. It is in any event illegal for non-accredited people to offer immigration advice to individuals.

## Interpretation needs

- 6.21 Every Prison Service establishment has had access to a simple telephone interpreting service since 1994. But, despite its potential benefits, particularly in communicating quickly with those at risk of self-harm, the service remains under-used. This conclusion has been consistently highlighted by previous Inspectorate reports across a wide range of prisons. Staff in the current study often did not know of the service, or thought it was too expensive or complex to use, even though it could reduce the use of expensive face to face interpretation. Its value in terms of improved communication with sometimes very confused or distressed foreign national prisoners is harder to measure but very important.
- 6.22 The Prison Service intranet was mentioned as a source of specialist help but by very few staff. It contains a number of translated documents which are available to all prisons and should be better known.

## Sustainability

- 6.23 Foreign national coordinators were optimistic about the sustainability of strategies but at the same time acknowledged that a number of factors that were necessary for this to happen were not in place. These were central guidance, training, specialist support, sufficient time to do the job and standards. In a performance-driven system with limited resources, auditable standards are a way of marking the importance of an area of work. This is because resources will inevitably be devoted to areas of work that are regularly audited and form the basis of line management and central performance assessments. By contrast, in the absence of standards, effective work depends on competent and enthusiastic individuals, and is likely to collapse when those individuals leave.

## Embassy contact

- 6.24 Very few prisoners had had contact with their embassies. Most did not want contact, but some were unable to get a response from their embassies. Some prisoners were concerned about embassy contact because of possible mistreatment. This suggests that the requirement that prisons should contact embassies if there are bilateral agreements, without prior consideration of human rights issues, is problematic.

## Immigration

- 6.25 Across nearly every area of this thematic study, immigration emerged as one of the principal areas of ignorance, confusion and concern for both prisoners and staff. Of particular concern was the fact that IND was unable to respond to most prison staff queries and frequently acted upon cases at the last minute. This undermined efforts by prison staff to progress foreign nationals and caused frustration for prisoners and staff. Specialist advice and assistance on immigration issues was scarce. The occasional Immigration Service surgeries which took place in some prisons were useful to a degree, but were not a source of independent advice and had a limited capacity to provide individual as opposed to general advice.
- 6.26 This review therefore identified a number of serious and ongoing deficiencies. Given this, and the lack of liaison and timely action, it is scarcely surprising that, after the



completion of the fieldwork for this thematic review, it emerged that many foreign nationals were not being properly considered for deportation at the end of sentence. It highlights the need for better and more effective joint working, to minimise stress for prisoners and staff, and to ensure that sustainable decisions are made at the earliest opportunity, and can then be implemented, and release properly planned for.

- 6.27 The review did, however, find that detainees were being held for less time than in the past, and that the degree of liaison between the Prison Service and IND had improved compared to previous years, albeit from a low baseline. This provides a basis for further and better cooperation. However, there was no way to measure the extent of progress as no statistics were available on the number of detainees or the length of their detention.
- 6.28 It was not possible to rely on the accuracy of information about nationality or immigration status without careful checking. The information accompanying the prisoner from court to prison was not comprehensive and the information held on prison systems relevant to nationality and immigration status was erratically recorded and passed on.
- 6.29 The only area of systematic cooperation between the Prison Service and IND was the early removal scheme (ERS). Although in some prisons there were effective information processing systems, there was also a high level of ignorance among prisoners and staff about ERS. The custody or parole clerks who were usually the point of contact with IND, were unclear about the process or procedures and complained of lack of training. They also said they lacked support or oversight from managers who were themselves inadequately informed.

## Resettlement

- 6.30 Foreign national prisoners, particularly black prisoners, reported significantly poorer support and sentence planning than British prisoners, and concern about resettlement was the fourth most prevalent problem, and seen as a big problem for those who reported it. Staff in general were unaware of these needs. Pre-release classes were rare and in any event insufficient given the wide range of other problems facing foreign nationals. General advice and information groups which foreign nationals could attend at any point during sentence seem more appropriate, and could address the interlinked issues they face.
- 6.31 It was clear from interviews with prisoners and with specialist staff that immigration uncertainties had a considerable impact on prisons' ability to prepare prisoners for release and resettlement. Though many of foreign nationals' concerns – for example employment and family support – were similar to those facing British nationals on release, they were compounded by the possibility of deportation. Yet specialist resettlement staff indicated that they were less likely to be given assistance with education, training, housing and employment advice, on the assumption that they would not be resettling in the UK. Most prisons were unable to provide information on the number of foreign nationals released into the community, rather than transferred or deported. This underlines the need for early and sustainable deportation decisions, and for release preparation to be properly targeted, including preparation for release in home countries.
- 6.32 The possibility of deportation also led to less support from statutory services, and less effective offender management, than for British nationals. Voluntary agencies could assist, but could not fill these gaps. This had an impact on public protection,

as well as prisoner support. OASys assessments were less reliable, because of the absence of information on previous history. There was evidence that foreign nationals were not able to access offending behaviour programmes, and that their participation did not contribute to establishments' key performance targets. While the examples of The Verne and Morton Hall in running drugs importation programmes should be commended, such courses need to be properly evaluated to establish their worth. These deficiencies were greatly compounded by the fact that there was little support from outside probation services: only 18% of prisoners had had any probation contact. Finally, there was little or no contact with relevant authorities in the home countries to which potentially dangerous offenders might be released. The notion of end to end offender management was therefore far from the reality for most foreign nationals.

- 6.33 Wherever foreign national prisoners are to be released, it is important that effective work is done to manage them, to reduce the risk they pose to the public and to ensure effective supervision post-release. This work needs to begin here: not least because in some cases, whatever the initial decision on deportation, it will not be clear until the end of sentence whether that decision can in fact be enforced. Moreover, if foreign national prisoners are excluded from programmes and other purposeful activity, and not individually managed, this has an impact on the dynamic security which is a key component of safety and decency in prisons. This is an area which the National Offender Management Service needs to explore and reinforce, in relation to both the prison and probation services.

## Health

- 6.34 There were differences between foreign national and British prisoners in the problems they presented to healthcare, which may be due to cultural differences in the way that distress is expressed. More foreign women complained of health problems than foreign men or younger people, and women in general reported higher levels of unhappiness and disruption. Despite this, fewer foreign women than foreign men reported feelings of self-harm.
- 6.35 Foreign prisoners themselves were no more critical of the healthcare they received than British prisoners, and were reasonably confident that they had been understood. However they were generally unaware of the possibility of telephone translation or of a professional interpreter, and several had been embarrassed by prisoners or staff being used as interpreters. Seeking help for a health problem is likely to be more difficult for foreign prisoners because of language barriers and of different cultural expectations of the outcome; yet Language Line was rarely used for this purpose.
- 6.36 On balance, healthcare staff appeared to be responding sensitively to the individual health concerns of foreign prisoners, and were doing their best to give them time and meet their needs within the resources available to them. However, there was no awareness at a strategic level of the number of foreign prisoners in any prison or of their physical or mental health needs. There was little systematic use of telephone translation or interpreting services and no central provision of health information in different languages.

## Good practice

- 6.37 The foreign national peer support scheme in Ford was excellent. There were six foreign national orderlies, some of whom spoke a number of languages. With the support of the diversity manager, they organised social groups and immigration surgeries attended by IND's criminal casework team to update prisoners on their immigration cases. All groups were advertised on notice-boards around the prison. Prisoners were able to drop in to a dedicated foreign national office at most times, as at least two orderlies were generally available. The orderlies attended induction to encourage foreign national prisoners to seek them out, and also had good links with other orderlies in the prison, from whom they received numerous referrals. They referred issues on to the diversity manager or other staff, as appropriate. The foreign national office contained a range of translated information, which was easily accessible to prisoners. The provision of an office for the orderlies gave their work a strong profile in the prison, and was a tangible demonstration of the commitment to meeting the specific needs of the foreign national population. Many of the foreign national prisoners we spoke to were very appreciative of the useful information and support they received from the orderlies.
- 6.38 The individualised approach to the management of the small foreign national prisoner population in HMYOI Deerbolt was appropriate and effective, though it would need adapting if the population were to rise in future. A detailed initial assessment was undertaken by the foreign nationals coordinator and was followed by a minimum of monthly contact with each prisoner. Major issues, particularly in relation to immigration and family contact, were addressed during these meetings. For example, the coordinator facilitated international phone calls to help prisoners with visits to stay in contact with their families and made efforts to contact immigration staff on behalf of prisoners. All contacts were carefully recorded. A foreign national register was regularly up-dated by the discipline clerk and circulated among key departments. It listed all current foreign nationals in the prison, whether or not the Immigration and Nationality Department had been contacted, and whether interpretation was required to communicate with the prisoner. Immigration paperwork was passed to the foreign national manager or the coordinator by the discipline clerk, and they took it directly to the prisoner for completion before returning it to the clerk. This removed the possibility of paperwork being delayed or lost in wing mail boxes and enabled close management of immigration paperwork. The foreign national coordinator and manager regularly contacted both the IND criminal casework team (CCT) and the local immigration office in Teesside to relay information and ask questions on behalf of prisoners. The coordinator also took an active approach to contacting and obtaining legal assistance for prisoners, e.g. through the local Citizens' Advice Bureau and the Detention Advice Service.
- 6.39 Staff at Morton Hall had developed links with the local immigration office and had worked with them to verify passports, confirm prisoners' identities and progress casework. The colour coded computerised log used for managing early release, immigration and deportation was practical and effective.
- 6.40 Bronzefield funded a qualified independent immigration advice agency to provide regular surgeries for prisoners with immigration difficulties.
- 6.41 Bronzefield kept a count of the number of days women were held solely under Immigration Act powers from the point of earliest release to the date they left the

prison, and aggregated statistics were kept of the number of days cell spaces were taken up by detainees who should not have been in Prison Service custody.

- 6.42 The Verne issued a locally written leaflet on arrival, explaining the early removal scheme (ERS) to all foreign nationals and asking if there were any reasons why they should not be considered, such as asylum claims, or impediments such as lack of a passport. However, this was not available in languages other than English.
- 6.43 Morton Hall had devoted considerable resources to work with foreign nationals, including two full time foreign national officers and a dedicated senior officer, all of whom were based in the resettlement department. A senior manager maintained an active oversight over the policy development areas. The team had identified and formulated responses to many of the existing weaknesses in resettlement work with foreign nationals. They had developed links with 24 international criminal justice agencies to support prisoners' reintegration and risk management. In addition, they had close contacts with staff in a number of embassies and consulates. While OASys was diligently done with all foreign nationals, in accordance with the restrictions of the Data Protection Act, any information gathered was not passed on to home country services without the offender's permission.

Hibiscus provided a regular service to the prison, and a member of the prison team had attended the Hibiscus international conference on working with foreign national prisoners. A number of strategies had been developed and adapted as a result. For example, the prison provided small-holding and small business management courses in response to the need to help women develop skills that would be of immediate use in their home countries. Specific training was available in running a chicken farm and animal husbandry.

They also ran six drug importers' courses a year, with 60-70 women going through the programme each year.

- 6.44 At The Verne a distinct foreign national prisoner pathway had been written into the prison's resettlement strategy. It ensured that the distinct resettlement needs of foreign nationals were specifically addressed. A wide range of translated information was kept on a computer database and made available to prisoners as required. A drug importers' course established because of the high numbers of foreign nationals with such offences had been accredited for use on a regional basis. This group work programme was a good example of an establishment addressing particular offending issues not directly addressed through other offending behaviour programmes. The New Bridge partnership provided resettlement support and advice for foreign nationals which was much praised by prisoners.
- 6.45 Three prisons had foreign national support groups or meetings facilitated by prison staff. Their general purpose was to provide information and support, including but not exclusively focusing on preparation for release.
- 6.46 Immigration surgeries provided by IND were reported in a few prisons, though we did not observe these in action. They have become more common in prisons over the last two years and could provide the basis for better information and progress in individual cases.
- 6.47 The education unit in one prison provided an in depth needs assessment as part of the induction process.

## Recommendations

### ***To the Director General of the Immigration and Nationality Directorate***

1. All prisons should be allocated a named immigration officer to whom prison staff can direct enquiries.
2. IND should provide training and guidance to prison reception staff and to custody administration staff responsible for immigration paperwork and liaison with IND.
3. The criminal casework team should be strengthened and should be able to provide responses to prisons' queries within five working days.
4. Defensible decisions on whether or not to proceed to deportation or removal, which take account of all the circumstances of the case, should be made as early as possible in sentence and at least six months before the earliest date of release.
5. IND should consult and collaborate with HM Courts Service to ensure that documentation of court recommendations for deportation is reliable, consistent and clear.

### ***To the Chief Executive of NOMS and the Director General of the Prison Service***

6. There should be a national policy for the management and support of foreign national prisoners, which provides clear practice guidelines to establishments, and which is supported by auditable standards, service level agreements or contractual requirements. The policy should include:
  - ◆ a foreign national coordinator in each prison, who should focus mainly on the three primary issues: family contact, immigration and language
  - ◆ clear links to a wider diversity strategy, reflecting a coherent institutional approach that is intolerant of racism, prejudice and discrimination
  - ◆ a case management and resettlement strategy that includes foreign nationals in any provision or targets set, and provides for their specific needs within the UK or overseas
  - ◆ a role for diversity officers and managers in area offices and individual establishments
7. Standards, service level agreements and contracts should provide for all prisons to have local policies in place that ensure:
  - ◆ designated and trained staff at receiving prisons liaise with IND to establish the nationality of prisoners, explain to foreign national prisoners the meaning and implications of their status or court recommendation, and advise on avenues of specialist legal advice
  - ◆ impact assessments incorporate the experience of foreign nationals
  - ◆ language, nationality and immigration status is recorded on all key documentation held in prisons, and transferred between prisons
  - ◆ guidance on using professional interpretation, including for medical consultations, with a requirement that the offer of interpretation has been made and recorded
  - ◆ immigration bail forms and information are readily available

- ◆ prison libraries stock up-to-date immigration law textbooks
  - ◆ translated documents on the Prison Service intranet are regularly accessed and distributed to prisoners
  - ◆ prisoners who become immigration detainees do not lose prison employment and can apply for other prison jobs
  - ◆ prisoners whose immediate family members are overseas are provided with a free international call at least once a month, regardless of the number of visits they receive
  - ◆ people subject to removal or deportation are provided with the means to reach a safe final destination.
8. Discussions should take place with existing accredited immigration advice agencies and the Legal Services Commission with a view to providing a source of independent immigration advice in each prison.
  9. Pilot schemes should explore creative ways of promoting and supporting family contact for foreign nationals with families overseas, such as video conferencing and email.
  10. Offender management arrangements should be sufficiently robust to ensure that discharged foreign nationals who should be subject to supervision in the UK are identified and effectively supervised. All establishments should keep accurate records of the discharge destinations of foreign national prisoners.
  11. Drug importers' courses should be evaluated and, if found to be effective, made available to establishments according to assessed need.
  12. Diversity training should include the specific needs of, and attitudes towards, foreign national prisoners.
  13. There should be a uniform and visible method of recording prisoners' nationality and immigration status, and any court recommendation for deportation.
  14. The policy group should publish monthly figures of the number of days cells are occupied by foreign national prisoners who have passed their earliest release date, in order to monitor and improve the efficient management of those prisoners.
  15. NOMS should consult with the Department for International Development about the feasibility of supporting programmes that assist the successful resettlement of foreign national prisoners returning to certain home countries.
  16. Clinical records should include the ethnicity and nationality of foreign national prisoners, to allow for scrutiny of aggregated health data to inform future analyses of the healthcare needs of foreign national prisoners.
  17. Health information material in a wide variety of languages should be produced centrally, in both written and oral forms.

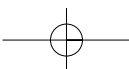
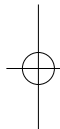
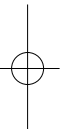
***To the Chief Executive of NOMS and the Director General of the Immigration and Nationality Directorate***

18. NOMS and IND should develop and ensure effective implementation of protocols on the granting of home detention curfew, release on temporary licence and category D status to foreign national prisoners.

***To the Youth Justice Board and the Chief Executive of NOMS***

19. Staff in young offender and juvenile establishments should make particular efforts to provide young foreign nationals with information and services that will assist with immigration and other relevant issues.





# Appendices

## Appendix 1: Methodology and key characteristics of prisoner interviewees

### Basic methodology

Chapter 1 draws mainly from the in-depth structured interviews conducted with 121 foreign national prisoners (18 with interpreters) and 57 staff in the fieldwork prisons. During these interviews, prisoners were asked about their main problems and needs in a number of different ways in order to ensure the maximum reliability of our findings. They were also asked about the importance of the issues they identified on a scale of 1 to 5, from 'no problem' to 'very big problem'. (See other appendices for more information on prisoner characteristics.)

Similar rating scales were used during staff interviews. During this set of interviews we spoke mainly with wing officers with substantial contact with foreign prisoners. Fifty-one interviews were conducted with them, another two with senior officers, three with teaching/workshop staff, and one with an assistant manager. The distribution of interviews by prison type was as follows:

- ◆ 9 in women's prisons
- ◆ 6 in a juvenile establishment
- ◆ 6 in a high security prison
- ◆ 6 in a young offender institution
- ◆ 6 in an open prison
- ◆ 12 in two local prisons
- ◆ 12 in two training prisons

This chapter also draws on survey results from 5,949 prisoners in 69 prisons between April 2003 and April 2005. Of this number, 490 individuals (9% of the sampled population) were identified as foreign nationals. We excluded from the analysis a further 159 prisoners (25% of the total) who had described themselves as foreign nationals but in another part of the questionnaire said they were 'white British'. The reasons for this are unknown.

Chapter 2 also draws on the prisoner and staff interviews. However, in its consideration of the evidence on current provision and ways of improving it, this chapter also uses evidence from questionnaires sent to foreign national coordinators in every prison in England and Wales. Ninety-five forms were returned by post, email or fax, and 12 face to face interviews were conducted in the fieldwork prisons, giving a total of 107 returned forms. The chapter also draws on the surveys described above, and on interviews with six prisoner representatives in the fieldwork prisons.

Chapter 3 draws mainly on structured interviews with 36 prisoners with immigration problems, and on discussions with any prison staff who we were told had responsibility for immigration-related paperwork and for liaison with IND. These people were normally administrative staff or foreign national coordinators. We also examined

available immigration paperwork to verify information obtained from other sources and drew on the relevant parts of the surveys described above. This part of the study was conducted by two specialist inspectors experienced in immigration law. The prisoner interviews were conducted in all 10 of the fieldwork prisons with prisoners of 21 different nationalities.

Chapter 4 draws mainly on in-depth interviews conducted in six prisons with 19 prisoners who had served most of their sentences, and 16 staff with particular responsibilities for resettlement provision. The objective was to attain evidence with some qualitative depth. This chapter also draws on a wide range of other sources, including the general prisoner and staff interviews and the surveys. Specialist staff interviewees included a principal officer, 5 senior officers and 4 officers working in prison resettlement departments, 2 heads of departments, 3 managers and a supervisor. They described a wide range of responsibilities including general resettlement (9 staff), OASys (offender assessment system) (6 staff), sentence planning (4 staff), release on temporary licence (3 staff), lifers (2 staff), transfers (2 staff), ETS (enhanced thinking skills) (2 staff), probation (2 staff) and risk assessments (2 staff).

Chapter 5 draws on evidence from both general interviews with staff and foreign national prisoners, and on the findings from a matched comparison group of prisoners who were asked to fill in questionnaires in each prison, including the general health questionnaire. Specialist healthcare inspectors examined healthcare files of all prisoners who gave consent, and spoke to healthcare staff.

Throughout the report, the term black is used to denote prisoners identifying themselves as African-Caribbean, African or 'Black Other'. The three people in this latter category described themselves as Black Indian, Black South American (Colombian), and one simply as 'Black'. The term Asian is used to denote those identifying themselves as Pakistani, Bangladeshi, Indian or 'Asian Other'. The two people in this category described themselves as Nepalese and Filipino.

## Main characteristics of the prisoners interviewed

The interviewees were selected as follows: on arrival at the fieldwork prisons, the review team was given a complete list of all foreign nationals in the prison marked by nationality. Interviewees were then selected randomly, i.e. usually by picking every fifth person on the list with the following exceptions: the two most prevalent and three least prevalent nationalities were established in each prison and prisoners from those groups were always included in the interview sample.

Interviewees were from 54 different countries. The most frequent nationalities interviewed were prisoners from Jamaica, Nigeria (the two largest groupings), and Vietnam, Colombia and Albania.

## Nationality of interviewees

Afghanistan	1	India	1	Polish	3
Africa	1	Iran	2	Portuguese	2
Albania	5	Iraq	4	Romania	2
America	1	Ireland	4	Russia	1
Azerbaijani	1	Italy	2	Serbia	1
Bangladesh	1	Ivory Coast	1	Sierra Leone	1
Brazil	3	Jamaica	13	Somalia	3
British	2	Kenya	2	South Africa	3
Chinese	3	Kosovo	1	Spanish	1
Columbia	5	Liberia	2	St Lucia	1
Cyprus	1	Lithuania	1	Sudan	1
Czech Republic	1	Malaysia	4	Swiss	2
Egypt	1	Morocco	1	Togo	1
Estonia	2	Nepal	1	Trinidad	2
Ethiopia	1	Netherlands	1	Turkish	1
Finland	2	Nigeria	9	Vietnam	5
Ghana	3	Pakistan	3	Zimbabwe	1
Hong Kong	1	Palestine	1		
Hungary	1	Philippines	1		

## Interviewees by region

Region	No.	Percentage
Africa	30	25%
Asia	19	16%
West European	18	15%
Eastern Europe	17	14%
West Indies	14	12%
Middle East	14	12%
South America	8	7%
North America	1	1%
<b>Total</b>	<b>121</b>	<b>100%</b>

The self-defined ethnicity of interviewees was as follows:

### Ethnicity of interviewees

	Overall	Women	Men	Young Adults
White	41 (34%)	7 (29%)	26 (36%)	8 (32%)
Black African	31 (26%)	7 (29%)	14 (19%)	10 (40%)
Black Caribbean	14 (12%)	3 (13%)	9 (12%)	2 (8%)
Black Other	3 (2%)	0	2 (4%)	1 (4%)
Asian	11 (9%)	4 (17%)	6 (8%)	3 (12%)
Asian Other	2 (2%)	2 (2%)	0	0
Arabic	4 (3%)	1 (4%)	3 (4%)	0
Chinese	8 (7%)	2 (8%)	5 (7%)	1 (4%)
Other	6 (5%)	0	6 (8%)	0
No response	1 (1%)	0	1 (1%)	0

### Sentence

The average length of time in prison was 14 months (ranging from one week to 126 months) and the average length of time the interviewees had spent in their current prisons was 8.5 months (ranging from one week to 96 months). The average sentence length was 63 months, excluding the 5 individuals who were sentenced to life. Most prisoners (99, 82%) were sentenced. Twenty-one prisoners (17%) were held on remand.

### Interviewees by region and custodial status

	Sentenced (%)	Remand (%)
Africa	93	7
Asia	67	33
E. Europe	94	6
Europe	83	17
Middle East	57	43
Americas	100	0
West Indies	79	21

## Appendix 2: English as main language of prisoner interviewees by region

Region	English (%)	Other (%)
Africa	10 (33)	20 (97)
Americas	1 (11)	8 (89)
Asia	1 (5)	18 (95)
E. Europe	0	17 (100)
Europe	5 (28)	13 (72)
Middle East	1 (7)	13 (93)
West Indies	13 (93)	1 (7)

## Appendix 3: Breakdown of problems reported by prisoners by type of prison

	Problem – Overall	Problem – Women	Problem – Men	Problem – Young People
Family contact	67 (55%) rate = 4	17 (71%) rate = 4	42 (59%) rate = 4	8 (32%) rate = 4
Immigration	57 (47%) rate = 4	15 (63%) rate = 4	35 (49%) rate = 4	7 (28%) rate = 5
Preparation for release	52 (43%) rate = 4	13 (54%) rate = 4	31 (44%) rate = 4	8 (32%) rate = 4
Health	50 (41%) rate = 4	14 (58%) rate = 4	31 (44%) rate = 4	5 (20%) rate = 3
Food	66 (55%) rate = 3	17 (71%) rate = 3	42 (59%) rate = 3	7 (28%) rate = 3
Information about prison	45 (37%) rate = 4	10 (42%) rate = 4	31 (44%) rate = 4	4 (16%) rate = 4
Language	50 (41%) rate = 3.5	9 (38%) rate = 3	33 (47%) rate = 4	8 (32%) rate = 3
Legal services	36 (30%) rate = 4	12 (50%) rate = 4	18 (25%) rate = 4	6 (24%) rate = 4
Respect	48 (40%) rate = 3	12 (50%) rate = 3	27 (38%) rate = 3	9 (36%) rate = 3
Canteen	47 (39%) rate = 3	15 (63%) rate = 3	30 (42%) rate = 3	2 (8%) rate = 3.5

*Continues*

Appendix 3: Breakdown of problems reported by prisoners by type of prison continued

	<b>Problem – Overall</b>	<b>Problem – Women</b>	<b>Problem – Men</b>	<b>Problem – Young People</b>
Isolation	39 (32%) rate = 3.5	10 (42%) rate = 4	25 (35%) rate = 3	4 (16%) rate = 4
Racism	42 (35%) rate = 3	9 (38%) rate = 3	25 (35%) rate = 3	8 (32%) rate = 3
Ethnicity	35 (29%) rate = 3	6 (25%) rate = 3	22 (31%) rate = 3	7 (28%) rate = 3
Religion	25 (21%) rate = 3	5 (21%) rate = 4	16 (22%) rate = 3	4 (16%) rate = 3

#### Appendix 4: Problem areas reported by prisoners by ethnicity

	<b>White (%)</b> Rate	<b>Black (%)</b> Rate	<b>Asian (%)</b> Rate	<b>Other (%)</b> Rate	<b>Chinese (%)</b> Rate
Family contact	25 (63%) 4	26 (54%) 4	7 (50%) 5	7 (78%) 4	2 (25%) 5
Immigration	22 (55%) 4	22 (46%) 4	4 (29%) 4	5 (56%) 4	3 (38%) 4
Preparation for release	20 (50%) 4	18 (38%) 4	6 (43%) 4	5 (56%) 4	2 (25%) 4.5
Health	16 (40%) 4	20 (42%) 4	6 (43%) 4	3 (33%) 5	4 (50%) 3
Food	22 (55%) 3	26 (54%) 3	10 (71%) 3	4 (44%) 3	3 (38%) 2
Information about prison	21 (53%) 3	11 (23%) 4	7 (50%) 4	3 (33%) 4	2 (25%) 4
Language	19 (48%) 4	11 (23%) 3	9 (64%) 3	6 (67%) 4	5 (63%) 3
Legal services	15 (38%) 3.5	12 (25%) 4	5 (36%) 4	3 (33%) 4	1 (13%) 4
Respect	16 (40%) 3	23 (48%) 3	6 (43%) 4	1 (11%) 3	1 (13%) 4
Canteen	14 (35%) 3	21 (44%) 4	4 (29%) 3.5	6 (67%) 3	2 (25%) 3.5
Isolation	15 (38%) 4	14 (29%) 3	4 (29%) 4	4 (44%) 3	2 (25%) 3
Racism	12 (30%) 2.5	20 (42%) 4	6 (43%) 3	3 (33%) 2	1 (13%) 4
Ethnicity	11 (27%) 3	16 (33%) 3	4 (29%) 3	3 (33%) 3	1 (13%) 4
Religion	6 (15%) 3	12 (25%) 3	4 (29%) 4	2 (22%) 3.5	1 (13%) 2



## Appendix 5: Perceptions of differential treatment on the basis of religion

### Perceptions of differential treatment on the basis of religion by region

	Differences exist	Don't exist	Don't know
Africa	30%	60%	10%
Americas	33%	56%	11%
Asia	5%	74%	21%
E. Europe	12%	65%	24%
Europe	18%	71%	12%
Middle East	23%	77%	0%
West Indies	29%	57%	14%
<b>Total</b>	<b>21%</b>	<b>66%</b>	<b>13%</b>

### Perceptions of differential treatment on the basis of religion by religious affiliation

	Differences exist	Nationality
Christian	10	Africa = 4, W. Indies = 2, Americas = 2, M. East = 1, Europe = 1
Muslim	9	Africa = 5, M.East = 2, Asia = 1, E.Europe = 1
Pentecostal	1	E. European
None	1	European
Sikh	1	European
Pagan	1	Americas
Rastafarian	2	W. Indies
<b>Total</b>	<b>25</b>	

*Note:* Fifty per cent of the total number of interviewees were Christian and 26% of the total number of interviewees were Muslim. Consequently, though the numbers are small, proportionately more Muslims felt that differences existed according to religious affiliation.

## Appendix 6: Three main prisoner problems as identified by staff interviewees

	Issue 1	Issue 2	Issue 3	Total	Seriousness score
Family contact	21	11	8	40 (28%)	93
Language/communication	19	11	5	35 (25%)	84
Immigration	4	6	4	14 (14%)	28
Prep for release	4	7	2	13 (9%)	28
Isolation	1	4	6	11 (8%)	17
Information about prison	0	3	3	6 (4%)	9
Racism	1	3	0	4 (3%)	9
Respect	2	1	1	4 (3%)	9
Religion	1	2	1	4 (3%)	8
Health	2	0	1	3 (2%)	7
Legal services	0	1	2	1 (1%)	4
Food	0	1	1	2 (1%)	3
Pay/wages	0	1	1	2 (1%)	3
Lack of services	0	0	1	1 (1%)	1
Discrimination	0	0	1	1 (1%)	1
<b>Total</b>	<b>55</b>	<b>50</b>	<b>36</b>	<b>141</b>	<b>---</b>

## Appendix 7: Foreign national coordinators' views on their main tasks

Links with external agencies	34
Link between staff and prisoners	28
One-to-one work	27
Source of information/point of contact	26
Coordinate work/follow policy	20
Increase visibility	14
Attend meetings	13
Provide training	9
Availability (time)	6
Language/translation help	6
Help with family contact	4
Monitoring figures/resources	3
Help with resettlement issues	2
Other	10

## Appendix 8: Foreign national coordinators' views on what helps to meet the needs of foreign nationals

Interpreters	71
Peer support	55
Support from staff	50
Translations	46
Specialist help	35
Training	22
Groups/meetings	22
Family contact	7
HQ support/policies	6
Research	6
Healthcare	2
Other	12

## Appendix 9: Foreign national coordinators' views on what would help to sustain foreign national strategy progress

Governor support	45
Staff	43
External agencies	32
HQ support	22
Policy/documentation	6
FN coordinator	5
Increased awareness	3
Time available	3
Meetings/FN team	3
Peer support	2
Sharing good practice	2
Other	10

## Appendix 10: Key survey findings for preparation for release by British and foreign nationality (n=5,949)

- ◆ 39% of foreign nationals said they knew whom to contact within the prison to get help with finding a job on release. This compares to 44% of British nationals.
- ◆ 37% said they knew whom to contact with regards to getting help in finding accommodation compared to 46% of British nationals.
- ◆ 28% of foreign nationals stated that they knew whom to contact with regards to getting help with finances in preparation for release, compared to 35% of British nationals.
- ◆ 28% of foreign nationals reported knowing whom to contact to get help with claiming benefits, compared to 49% of British nationals.
- ◆ 27% of foreign nationals stated they knew whom to contact within prison to get help with arranging a place at college/continuing education on release. This is compared to 36% of British nationals.
- ◆ 28% of foreign nationals reported that they knew whom to contact with regards to continuity of healthcare on release, compared to 38% of British nationals.

## Appendix 11: Key survey findings for preparation for release by ethnicity (n=5,949)

- ◆ Black foreign nationals were least likely to know whom to contact in the prison with regards to jobs on release, with 37% knowing compared to 62% of foreign nationals from a mixed race background.
- ◆ Foreign nationals from a mixed race background were the most likely ethnic group to know whom to contact about accommodation on release.
- ◆ Black foreign nationals were least likely to know whom to contact in the prison with regards to getting help with finances on release, with 25% knowing compared to 46% of foreign nationals from a mixed race background.
- ◆ White foreign nationals were the least likely to know whom to contact for getting benefits on release, 23% stated that they knew compared to 45% of mixed race foreign nationals and 40% of Asian foreign nationals.
- ◆ Black foreign nationals were the least likely group to know whom to contact about college on release, 24% compared to 53% of mixed race foreign nationals.

## Appendix 12: Access to resettlement services reported by prisoners

	Same access	Different access	Don't Know
Access to pre-release classes	27 (47%)	15 (26%)	6 (11%)
Offender behaviour programmes	37 (65%)	7 (12%)	4 (7%)
ERS/HDC	32 (56%)	7 (12%)	8 (14%)
Probation	30 (53%)	8 (14%)	6 (11%)