

# Foreign National Prisoners; best practice in prison and resettlement

2015

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*Entrance hall, foreign national Pavilion, Mariefred prison, Sweden*

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## About me

Over the past ten years I have been involved in a number of criminal justice projects in London. These include being Chair of the Independent Monitoring Board at HMP Wandsworth, a member of a youth referral panel in South London and managing a team of mentors for a resettlement project that was piloted at HMP/YOI Isis. I also work at the Wallace Collection, a national museum, and deliver tours as part of the Community and Access programme.

## Executive summary

Freedom of movement across borders is changing the prison population across the world.

In England and Wales there are about 10,500 foreign prisoners, 12% of our prison population. They are a diverse group of people, coming from many different countries, having committed a range of offences and each having their own individual ties to the UK.

For eight years I was a regular visitor to HMP Wandsworth, where about half of the prison population is foreign. Through meeting these men I became aware of the difficulties they face. They have language difficulties. Culture, customs, laws and procedures are unfamiliar; they may not receive visits from family. The government aims to return as many of these prisoners as quickly as possible to their home countries. This is done through transfer agreements and deportation. This may be the right thing to do - it reduces costs and frees up prison places - but the reality is that the removal process is often painfully slow. And while these prisoners are held they have hardly any access to rehabilitation and receive practically no help planning for their return to society. They are excluded from almost everything they need in order to have any chance of a crime-free future.

I wanted to find out how these prisoners were treated in other countries. In 2015 I was awarded a Winston Churchill Travelling Fellowship. Fellowships provide a unique opportunity for individuals to travel overseas and bring back fresh ideas and solutions to today's issues for the benefit of others here at home. Each year about a hundred Fellowships are awarded across ten categories, this Fellowship being in the Penal Reform category.

The focus of this report is male, foreign national prisoners facing expulsion. A central purpose of this Fellowship was to identify best practice in prisons abroad so that we can better manage this population here. I wanted to improve awareness and understanding of this group and why they end up in prison, some far from home. As prisons experience severe budget cuts I wanted to explore how the support of volunteers might benefit foreign prisoners.

The findings are the outcome of time spent inside prisons in four European countries, Norway, The Netherlands, Sweden and Spain.

### Findings

- I quickly realised that to look for 'best practice' was naïve because for foreign prisoners there is no best practice. Instead I looked for 'promising practice'. This phrase struck a chord with me and with those working with foreign prisoners. However, this promising practice is often inspired by outstanding individuals rather than because it is part of national policy.

- Language difference is an obstacle in every prison visited though I did find some ideas that would work here e.g. a pocket size picture dictionary of 330 pictures to be used as 'pointing book' or conversational aid for foreign prisoners and staff. It is available as a free download.
- The process of prisoner transfer and deportation is very slow in all countries.
- Because of language difference foreign national prisoners do not have access to rehabilitation and are deported without their offending behaviour being challenged or addressed. Little is done to reduce criminality in this group.
- Apart from one example, Safe Way Home in Norway, the resettlement needs of foreign national prisoners are largely ignored. Safe Way Home receives funding from the Norwegian government, has an agreement with the immigration police and uses its network of volunteers in 120 countries to support prisoners after release.
- In some prisons real efforts were made to alleviate social and cultural isolation e.g. prisoners benefited from living on smaller units where they were provided with information about their immigration status or deportation.
- New research from The Netherlands emphasises the importance of consular visits. Dutch nationals in prison abroad receive regular visits from a consular official and volunteers from the Dutch probation. A personal visit by consular staff is seen by prisoners as the most important type of assistance they received.
- Volunteer support for foreign prisoners was rare. I found two projects, both in development, where Moroccan and Romanian volunteers visited their fellow countrymen in prison.
- Skype and video conferencing were used to facilitate communication with families abroad in three out of the four countries I visited.
- There was a flexible approach to extended visits for families and friends travelling long distances. Most of the prisons I visited were remote and inaccessible.
- Chaplains and faith-based organisations do a great deal to support foreign prisoners of all faiths and none. Christian groups are the majority. Other faiths are underrepresented. The Muslim population is not well served.

## **Recommendations**

- A coherent strategy for foreign national prisoners in England and Wales is needed.
- The National Offender Management Service (NOMS) needs to have an agreed vision for the resettlement for foreign prisoners.
- More needs to be done to speed up the process of deportation.
- All countries should ensure that their nationals in prison receive consular visits.
- Foreign prisoners should be encouraged to maintain or restore relationships with their family and friends, even across long distances.
- Volunteers from diverse backgrounds that reflect the prison population should be encouraged to support prisoners.

## Introduction

### Background to foreign national prisoners in England and Wales:

The term foreign national prisoner is commonly used to describe any non-British citizen under the criminal justice system. This means people who have been remanded, convicted or sentenced for a criminal offence.

Foreign national prisoners come from over 150 different countries, but over half come from nine countries: Poland, Republic of Ireland, Jamaica, Romania, Lithuania, Albania, Pakistan, India and Somalia.

Apart from two foreign national-only prisons, HMP Maidstone and HMP Huntercombe, prisoners are held alongside British prisoners in all prisons. There is wide variation in the proportions of foreign nationals held for example 30% at HMP Wormwood Scrubs and 3% at HMP North Sea Camp.

All foreign prisoners who have been sentenced to a period of imprisonment of 12 months or more are subject to automatic deportation from the UK unless they fall within defined exceptions.

Access to immigration advice is sparse – those contesting deportation because they have family in the UK are not entitled to legal aid.

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of arrangements however are voluntary arrangements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place. However, transfers within the EU and to Nigeria and Albania can take place without the consent of the prisoner.

The government signed a transfer agreement with Jamaica in September 2015 and will provide £25m from the aid budget to help fund the construction of a new 1,500 place prison in Jamaica.

The average time period taken to remove a foreign national offender is currently 139 days; however, many people are detained for considerably longer. In spite of transfer agreements the number of transfers of European prisoners leaving our prisons have fallen below expectations. In 2015 only 57 prisoners returned to prisons in their countries as a result of prisoner transfer agreements.

People who have served their sentence but are not UK nationals can be held in prison after their sentence has finished, released or moved to an immigration detention centre. Around 370 people were still held in prison under immigration powers, despite having completed their custodial sentence. The prison regime does not make allowances for detainees and as a result they experience multiple barriers to justice. Without access to their mobile phone, fax or internet they cannot progress their immigration case nor can they be easily contacted by legal advisors.<sup>1</sup>

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<sup>1</sup> Information & image from Prison Reform Trust, Bromley Briefings Prison Factfile 2015

## Foreign national prisoners in England & Wales, 30 June 2015 by country of origin



Percentages are the proportion of the total foreign national population in prisons in England and Wales  
Source: Table A1.11i, Ministry of Justice (2015) Offender management statistics, Prison population 2015



## My background to this project



*HMP Wandsworth, London*

HMP Wandsworth in south London is a Victorian Cat B local prison. It holds around 1,630 male prisoners, more than any other prison in UK. It is unacceptably crowded. Prisoners live in shared cells which are cramped. The population is typical of other inner city local prisons; there is a high incidence of mental health problems and substance misuse. The prison, which serves the London courts, is busy. There are 2,000 prisoner movements through reception each month<sup>2</sup>.

I lived near Wandsworth prison and first went inside as a volunteer with a charity 'Parents in Prison' in 2005. Our aim was to help fathers stay in touch with their children. The men on this project were British and were released back into the community. From this limited perspective it seemed logical to assume that most prisoners were British.

It wasn't until a year later when I joined the Independent Monitoring Board (IMB) that the reality became clear. Board members are in a privileged position; they have free and unescorted access to every part of the prison and to every prisoner, and they have the right to investigate and ask questions on their behalf. They meet regularly with the staff and the Governor and report to the Secretary of State for Justice.

What foreign prisoners told us, sometimes in faltering English, or using their cellmate as an interpreter, was deeply troubling. Language difference meant that they could not understand prison and immigration rules. They found it difficult to find out what was happening to them. Some were resisting deportation and wanted advice, and these included people who had lived here since childhood and feared being returned to a country that did not know. Without visits from family and friends, they were isolated. I knew of one young man from Pakistan whose only visitor for two years was a prison chaplain.

A stark indicator of their situation was the increased prevalence of self-harm. They described feeling suicidal because of the uncertainty of their position. Some of them occupied cells in the Segregation Unit for months at a time, trapped in a cycle of protest through self-harm. This was a serious cost to

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<sup>2</sup> HM Chief Inspector of Prisons: Inspection report of HMP Wandsworth February 2015

the individual prisoners and a practical cost for the prison. This human misery takes its toll on the regime. Both IMB's and establishments reported an increase in self-harm<sup>3</sup>.

Wandsworth does much to manage prisoners in crisis and has tried to improve information for prisoners. Induction material, translated locally, is available in 10 languages. There are foreign national orderlies, who are fellow prisoners whose job it is to communicate useful information. For a time there was an officer who could speak Polish. But it is not enough. In spite of these small steps foreign prisoners reported feeling less safe and were less likely than British prisoners to say that they were treated with respect.

The government's response is singular – to deport prisoners faster. The extra resources are in place to support the deportation process. The prison was designated a hub prison with an embedded Home Office Immigration team, but the task continues to be complicated. New prisoner transfer agreements have not delivered the results that were hoped for. Decisions as to who will be deported or released were often delayed until just before the release date.

Foreign national prisoners seemed to leave the prison at short notice. Some were deported while others were moved to immigration removal centres or released into the community. A small number are held as immigration detainees in prison conditions. Nationally, around 45% of immigration detainees are released back into the community, mainly under licence.

And what of resettlement or reintegration for these men? Although NOMS has a duty to prepare all prisoners for release there was no meaningful provision for foreign nationals at HMP Wandsworth. The 'Tracks' information and signposting tool intended to provide country information was available in the library but was underused. Those returning to countries abroad were not offered help to find accommodation, nor given assistance to contact relevant agencies. If they were released into the community at short notice it was too late because, as foreign nationals, they had been excluded from the resettlement services organised on a 'through the gate' basis.

## Aims, objectives and purpose of the project

The subject of this report is male, foreign national prisoners who are remanded, convicted or sentenced for a criminal offence. It also includes prisoners who have served their sentence but continue to be held in prison while awaiting immigration decisions.

### Fellowship Objectives

- To raise public awareness of the foreign national population in British prisons.
- To improve understanding about this prisoner group and why they end up in prison, some far from home.
- To identify and observe best practice in prisons and resettlement projects abroad and assess their potential to work here.
- To trigger interest and discussion that will lead to improved treatment of foreign nationals in prison.
- To attract volunteers who reflect the foreign national population and who have the language skills and cultural hinterland to benefit foreign national prisoners.
- To challenge the silo mentality between nations regarding foreign prisoners, each concerned only with its own nationals.

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<sup>3</sup> HM Chief Inspector of Prisons: Foreign National Prisoners: a follow-up report January 2007



- To serve as a catalyst for greater collaboration between agencies and governments.

### Approach: Why Europe?

In Europe 117,000 prisoners are foreign national, remanded or sentenced in countries for which they do not hold a passport or papers<sup>4</sup>. Figures from the International Centre for Prison Studies reveal that while an average of 22% of prisoners in EU countries are foreign, there is a wide disparity in their distribution. The lowest numbers are found in Eastern European countries where they seldom represent more than 2% of the prison population, though this figure is higher in Western European countries.

I limited my project to Europe because I wanted to focus on countries with whom we share a similar approach to criminal justice. Like Britain, Sweden, Norway, The Netherlands and Spain have agreed penal codes and regulations that state that all prisoners should receive similar legal guarantees of just, fair and humane treatment.

Prison legislation does not provide specific rules or regimes for foreigners. However, foreigners are discriminated against. They are more likely to be remanded in custody while awaiting trial, and more likely to be sentenced to a term of imprisonment. National prison law or administrative laws often disqualifies foreign prisoners from transfer to open prisons. As a result they are more likely to be held in the medium or high-security estate. This in part explains why foreigners are over-represented in the prison population.

The Council of Europe has made recommendations for the equal treatment of foreign prisoners, most recently in 2012, with the aim of drawing attention to the fact that foreign prisoners should be treated 'in a manner that ensures, as far as possible, equality of treatment'.<sup>5</sup>

I concentrated my initial research efforts in countries where there are large numbers of foreign prisoners. My original short list included Germany and Austria (27% and 50% of foreign national prisoners) but initial research was not rewarded. My lack of languages was probably a barrier to success but it is worrying that there seemed to be so little evidence of initiatives for foreign nationals.

### Countries chosen

Below are my reasons for visiting Norway, The Netherlands, Sweden and Spain.

#### **Sweden**

Sweden is renowned for its well-resourced criminal justice system and for its progressive approach. For decades priority has been given to probation and alternative sanctions and the overall prison population is falling. For those in prison there are 15 treatment programmes available including those challenging domestic abuse and aggression. Prisoners are referred to as clients.

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<sup>4</sup> A calculation based on figures supplied by the International Centre for Prison Studies in 2014

<sup>5</sup> Recommendation CM/Rec (2012)12 of Committee to Ministers to member States concerning foreign prisoners (adopted by the Committee of Ministers on 10 October 2012)

Around 34% of all prisoners are foreign national and new admissions are increasing.

**Population Trend:** Admission figures have been falling on yearly basis since 2011. This may be because of more lenient sentencing, particularly for drug offences, and perhaps because the very long-term use of probation and non-custodial sentences is having a positive effect. In the meantime there are plans to close down the oldest and most rundown prisons.

## Norway

Rehabilitation is governed by the Principle of Normality, making the prison experience as close to normal life as possible in order to prepare prisoners for release. Norwegian prisoners are encouraged to join education classes and take up appropriate work. In some prisons they are paid monthly to familiarise them with life on the outside. Dynamic security and good communication between prisoners and staff, is central to security and rehabilitation. There is currently less investment in rehabilitation courses as research suggests that they have not had the impact that was hoped for.

Currently 34% of prisoners are foreign and new admissions are increasing.

Norway is proactive in its approach to foreign prisoners. In 2013 Norway designated Kongsvinger prison as a foreign-national only prison; a staff training book has been produced.

**Population trend:** the prison population is growing and Norway's prisons are full. Last October the Norwegian government rented a prison in the Netherlands, Norderhaven.

## Spain

As a southern European country close to Africa and with long-established migrant communities living in its cities, Spain has experience of foreign prisoners. It is the only country I visited which offers an intervention programme for foreigners.

It has a much larger prisoner population than Norway or Sweden. There are 54,000 prisoners in Spain (excluding the Autonomous Community of Catalonia) held in about 70 establishments. As in Britain, volunteers and non-governmental organisations (NGOs) play an important role in supporting people in prison.

**Foreign National population:** 26.7% of prisoners in Spain are foreign national. This figure has been falling since a peak of 35% in 2009.

**Population trend:** The overall prison population has been decreasing since 2013. Reasons for this include the impact of reduced sentences for drugs offences and because of the option to substitute longer sentence with deportation.

## The Netherlands

The Netherlands have a long track record of looking after their own Dutch nationals in prisons abroad. They do this through a consular visits and through the support of volunteers and chaplains who visit them in prison.

A number of other organisations that have expertise with this prisoner group are based in the Netherlands. These include Prison Watch, Europris and Epafras.

About 21% of prisoners in the Netherlands are foreign. Ter Arpel prison in the north east of the country has been designated for foreign nationals who face deportation.

**Population trend:** the overall prison population is falling. As a result of lower occupancy The Netherlands is renting prisons to the authorities in Belgium (Tilburg Prison) and Norway (Norgerhaven).

## Summary Table

	Sweden	Norway	Netherlands	Spain <sup>6</sup>	Eng &Wales
<b>Prison population</b>	5409	3746	8,900	54,441	85,461
<b>Foreign National</b>	34%	34%	21.5%	26.7%	12.8%
<b>Occupancy</b>	87%	95.9%	Not available	Not available	110%

## Approach and methods

Most of the information gathered comes from my observations and interviews with prison staff and prisoners during visits to nine prisons and one detention centre.

This information was given perspective and context by interviews with those working in governmental and non-governmental organisations and those working with prisoners and their families in the community.

**Prisons:** Visits were planned through the international department of the relevant ministry. I was asked to provide information about myself and the Fellowship and found that the Churchill Trust introductory letter seemed to open doors. Once permission was given there was a further exchange of information by telephone and email.

I asked for prison tour to include the following areas of interest:

- How language difficulties are overcome;
- Education or purposeful activity that benefits foreign prisoners;
- How relationships with family are maintained;
- How volunteers can help foreign national prisoners; and
- How foreign prisoners are prepared for release.

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<sup>6</sup> Figure excludes prisoners held in Catalonia

Each visit lasted between three and six hours. I was given a presentation, usually by the equivalent of a deputy director (deputy governor), followed by a tour of prison. These included pre-arranged conversations with staff and with prisoners. I was accompanied by prison staff at all times though I had some conversations with prisoners in relative privacy. I was allowed to take some photographs though not in prisons in the Netherlands. Two visits were restricted for operational reasons.

## Findings

My Fellowship findings are set out in three sections.

- **Report Overview**  
I have set out the main themes of my findings here under subtitles: **Promising Practice; Approach to language difference; Offender behaviour courses; Deportation; Foreign national-only prisons; Crowding; Preparation for release** and **faith organisations**.
- Information about foreign national prisoners in Europe is presented in **'Improving understanding about foreign prisoners'**.
- The ideas and approaches that have the potential to improve the treatment of foreign prisoners are included in **'Promising Practice'** (pages 20-28).

## Report overview

### **Promising Practice.**

Almost as soon as I began visiting prisons the phrase 'best practice' seemed naive. Even in Sweden it sounded idealistic, as though I had set the bar too high for the Fellowship and for those working in prisons. George Joseph at Caritas in Stockholm suggested that I look for 'promising practice' instead. I am grateful to him. This phrase felt more realistic and people working in prisons related to it, too.

The promising practice found during this Fellowship occurs because of the work of outstanding individuals who are committed to good outcomes for prisoners. I include in this report the chaplains of the 'Safe Way Home' resettlement programme in Norway and a director of a prison in Sweden. Prisoners in their care are treated with humanity and are helped to prepare for their return to society. I also focus on practices that encourage prisoners to maintain contact with the outside world through their consul, family and volunteer support.

### **Approach to language difference**

Language difference was an obstacle in every prison I visited; this was acknowledged by staff and prisoners.

In Sweden language difficulties are ameliorated because staff speak languages other than Swedish. For instance some of the staff working at Österåker prison are from the Chilean community which settled in Sweden in the 1970s. At Storboda prison there are 16 staff who speak twenty one languages between them including Farsi, Italian, Russian and Arabic. Language ability seems to come easily to many Swedes and contributes to dynamic security, the understanding that good interaction between staff and prisoners are central to the safety and security of the prison. In Norwegian

prisons many staff speak English but the range of other languages are limited, partly because only about 5% of staff working in prisons have foreign backgrounds.

In the prisons I visited there was a dearth of translated information. In Norway and Sweden information about prison regime is available only in the national language and, in some prisons, in English. Prisoners are locked up in a world with rules, regulations and rights that they do not understand. I was told of one young Iraqi man, held on remand in Norway. He did not speak Norwegian. Pre-trial conditions in Norway are severe - prisoners are held in near solitary conditions while charges are investigated. After three days this young man could not cope. He collapsed in extreme distress and fear. When an interpreter was found he asked 'When does the torture start?' Isolation can allow fear to take over and cause immense trauma.

Perhaps because of such experiences one Norwegian deputy director told me that she has always made a point of learning how to say a few words in a prisoner's language. To be able to say 'Welcome to this prison....everything is going to be OK' made a great difference to new arrivals.

Prisoners in every country are expected to learn the national language and lessons are available, though there were waiting lists for courses. In Spain all foreign prisoners who do not speak Spanish must attend the language class 'Spanish for Foreigners'<sup>7</sup>. Even though I visited just one prison in Spain it was apparent that few staff speak English. English-speaking volunteers and family members who visit Spanish prisons told me that staff speak Spanish to prisoners and are unlikely to communicate with them in another language, even if it is known.

Only in Spain are prisoners provided with a reception booklet that was produced centrally by the Ministry of the Interior, in a range of languages including Arabic. 'Prison Step by Step' is a 35-page booklet and includes information on admission, visits, and regime and complaints procedures. The English version communicates information in simple terms. A similar booklet with high-quality information like this would of real value to foreign prisoners in British prisons.

[http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/Paso\\_a\\_Paso\\_en\\_ingles.pdf](http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/Paso_a_Paso_en_ingles.pdf)

There is a practical and helpful idea from The Netherlands. 'Picture it in Prison' is a pocket sized dictionary with 330 pictures classified by theme. It is essentially a 'pointing book' intended to be used as a conversational aid between foreign prisoners and staff. It is available as a free download from Prison Watch.

[http://www.prisonwatch.org/assets/picture\\_it\\_in\\_prison.pdf](http://www.prisonwatch.org/assets/picture_it_in_prison.pdf)

### **Offender Behaviour courses**

I was interested to find out about offender behaviour courses available to foreigners, such as sex offender treatment. In the four countries visited I found just one in a 'foreign' language, Arabic (offered in Sweden). Otherwise courses are in the national language only.

I visited Haldane prison in Norway. It is an impressive prison with outstanding facilities and resources. A range of interventions are offered but in Norwegian only. As around 37% of prisoners

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<sup>7</sup> This is a prerequisite to an 'educational and cultural programme for foreign prisoners' mentioned in the introduction. Information about this was extremely limited. I had the document 'Framework Plan for Educational Intervention with Foreign Inmates' translated but it did not reveal enough information to include it here.

are foreign the prison management requested extra funding so that some courses, such as 'stress and anger management interventions' could be offered in English. This was refused and there is no access to programmes for foreign prisoners unless they speak Norwegian.

Foreign prisoners appear to be excluded from offender courses that might help them to live a crime-free future. Little happens to help them prepare for a life that is crime-free. 'They won't give me the chance to change....' one man said.

## **Deportation**

What every nation wants to do is expel foreign prisoners as quickly as possible. The problem is that the process of moving prisoners from one country to another, whether through prisoner transfer agreement or deportation, is slow. Twenty five European countries have now signed transfer agreements to facilitate prisoner transfer<sup>8</sup>. Arrangements between some of neighbouring countries, such as The Netherlands, Belgium and Germany, work well. Compulsory transfer agreements designed to streamline the process are in place but have not yet delivered the results hoped for. In 2015 around 63 prisoners were transferred from Norwegian prisons to prisons abroad. During the same year 3 prisoners left The Netherlands under transfer agreements though 80 Dutch nationals returned. (Information from Spain and Sweden was not available.)

For prisoners facing deportation the process is also desperately slow. This is because many prisoners deliberately frustrate efforts to deport them. For instance, I met an Iranian man who had been on the unit for '8 months and 20 days'. He has refused every attempted removal through protest and wants to be released in Sweden.

Others do not have passports or their country does not want them back. It is proving almost impossible to deport people to countries affected by war or oppressive regimes for example to Syria, Libya, Iraq, and Afghanistan.

I visited men on a special unit for sentence-expired prisoners held on immigration grounds in a small unit in a Storboda Prison, Sweden. The men were from Russia, Somalia and the Middle East. No longer serving prisoners, they live on a separate unit and have a less restricted regime. They are able to work and have access to telephones to call their legal representatives and the immigration team. They wait, day after day, to hear news of their future. They are trapped in a sort of no man's land. Each had a story to tell. One man had served a two-month sentence but has been detained in prison for eighteen months because he does not have the papers to return to Morocco. Another did not want to go back to Somalia, a country he left around 15 years ago, and where he has only one surviving relative.

For some men who will be deported and do not want to be, there are tragic consequences, like Stephan who is Romanian but has lived in the Netherlands for his adult life. Expulsion means that he will leave behind his partner and daughter. And he will have to start a new life in a country that he has not lived in since he was a child. Men who experience the prospect of permanent separation from their family as a result of deportation are extremely vulnerable. Many of the staff I met were aware of this and spoke of it as a particular difficulty for this prisoner group. While support is given, often by prison chaplains and empathetic staff, the prospect of exile without partner or children is an agonising reality for some men.

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<sup>8</sup> EC Framework Decision 2008/909/



I met representatives of two groups who work with prisoners' families and more recently with a small but increasing number of families where a parent will be deported<sup>9</sup>.

### **Foreign national-only prisons**

The imperative to deport prisoners, combined with language difference, is changing prisons in Europe. I visited two prisons that have been recently designated as foreign national-only. Prisoners have less than two years to serve and will be deported.

Kongsvinger prison in Norway was set up in 2012 and is Europe's first foreign national-only prison. About 170 prisoners are held in ramshackle buildings which were once military barracks.

Ter Apel prison in the north east of the Netherlands was designated as a foreign national-only prison in 2013. It holds 434 prisoners and is close to an immigration detention centre.

I was told of the excellent translation and interpretation services available at each prison. Staff at Ter Apel receive training in cultural awareness and foreign and Dutch law. The immigration officers I met appeared genuinely caring and hard-working. One had an open door policy with a bowl of sweets on her desk to encourage the men to come in and talk.

There was work and education for prisoners in both prisons, though it was more developed at Kongsvinger. The programme content here is especially adapted for those returning to other countries. There is a narrow focus on educational subjects, English and Computer Sciences. Basic training courses are available in industrial cleaning, woodwork and brick skills. The idea is to give a training, skill and qualification that can be used to get work in their home country.

However some prisoners felt their options had narrowed at Ter Apel foreign national-only prison, particularly if they had served long sentences. Joe was awaiting deportation to Jamaica after nine years in prison. 'I've done all the courses I can' Joe told me 'I've learned Dutch and Spanish, sewing, wood work, how to fit pipes. But here there is nobody to speak for us, no parole, no low security estate. You are in isolation with people like you who don't know nothing. The old system was better when we were on the same wing with Dutch prisoners. When you are alone you don't know nothing, you have no one to speak for you, that's what gets me.'

These prisons felt like places of exclusion and immigration control rather than reform. They function as a sort of departure lounge where men wait to begin an uncertain future. It was telling that almost all of the prisons I visited on my Fellowship were in remote locations. Ter Apel is in an agricultural area near the border with Germany, about 4 hours travel-time from Amsterdam. Another journey to Österåker prison in Sweden was particularly complicated; a tube, train and bus and a walk along a deserted road through a forest. It is hard not to conclude that foreign national prisoners are pushed out to the boondocks. And journeys like these are a reminder of the hardships faced by families visiting prisons in places not well served by public transport.

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<sup>9</sup> BUFFF in Sweden and FFP in Norway in Appendix 1

## **Crowding**

Norway's prison population has grown and its prisons are full. Newly sentenced nationals wait for a prison place to become available before starting their sentence. Last September the Norwegian government rented a prison in the Netherlands, Norgerhaven. The prison is led by a Norwegian management team and staffed by Dutch officers. They are expected to communicate in English. There are cells for 242 male inmates who are serving sentences in closed prisons and are not yet eligible for home leave. The promotional material promises single cells, four hours of work and 90 minutes of exercise a day. At the time educational opportunities are restricted to courses in English and Information Technology.

When I visited the prison in November the majority of the prisoners were foreign. Norgerhaven was not a popular choice with Norwegian citizens who would have had to give up education programmes and regular family visits. Instead places were filled by foreign prisoners who had come voluntarily or through compulsory transfer. 'Foreigners like me don't have much of a choice' said one man. 'Our only chance is to go back. I'm looking to serve two thirds of my sentence and then go home. I'm not coming back to Norway or to Europe ever again.'

Prisons like Ter Apel, Kongsvinger and Norgerhaven are changing the traditional role of prison staff. At Norgerhaven they were once involved in the resettlement and reintegration of prisoners into Dutch society. Because all prisoners will be deported (from Norway to their home country) the resettlement role is much diminished. One prisoner officer with twenty years of experience said 'I get the feeling that we are just here to control prisoners rather than contributing to their lives in prison.' Increasingly these prisons appear to meet the demands of the immigration authorities rather than the needs of prisoners.

## **Preparation for Release**

While effort and resources are increasingly focused on the process of expulsion there is an extraordinarily casual attitude to resettlement and reintegration of foreign prisoners. As a result foreign prisoners received little or no help in planning their return to society.

I found no research that examines what happens to prisoners who have been expelled. It seems that they are returned to their country with nothing but a handful of euros or krona and a change of clothes. It is remarkable that Dutch prisoners abroad receive visits in from probation service volunteers and yet the focus of these visits is almost entirely on the detention period rather than on preparation for their release.

And in spite of deportation the same prisoners return to the country and to prison again. As one prison director in Sweden told me: 'I've met inmates who have been in prison in Belgium, then deported back to Africa, now they are here in Sweden. They make contacts in prison, their crimes get more serious and the criminal network is growing and circulating in Europe. We can't just lock them up without giving them anything and think that they will never come back. They are already back.'

If people have been deported from Norway and return (without agreement) they face an automatic one-year sentence. In 2015, 120 returning prisoners were imprisoned under this tariff.

## Faith organisations

As part of the research for my Fellowship I approached faith organisations involved in criminal justice. These support prisoners and some have international connections - Prison Fellowship International, The Salvation Army and Caritas. Christian redemption is at the heart of this work in prison, resting on the belief that everyone is capable of individual transformation for the better, regardless of their crime. By contrast it was difficult to find organisations representing other faiths. I could not find any similar organisation that had the potential to help Muslim prisoners in Europe.

## Improving understanding about foreign prisoners

I was given very little factual information about foreign prisoners in Europe during my Fellowship<sup>10</sup>. During interviews they were described to me as a group of diverse nationalities which was fluid as a result of economic and social migration. In Spain, for example, the decline in the foreign prison population was due to many migrants leaving the country after the economic crisis in 2008. There was a perception, in Norway and Sweden, that the Romanian prison population spikes in the summer months when better weather eases travel. Also in Norway, the economic downturn has said to have contributed to the growing foreign prison population. Non-Norwegians who had previously been employed in building projects and were out of work and had resorted to burglary or theft.

### **A large number of foreigners in Sweden and Norway are remanded or sentenced for crimes related to smuggling, trafficking and possession of drugs.**

Ragnar Kristoffersen, Assistant Professor at Correctional Service of Norway Staff Academy provided more background about this group of prisoners in Norway.

‘There are numbers of Africans, Eritreans, people from Egypt and Algeria. The Norwegian authorities don’t know exactly why this group come. Some are part of criminal networks and enter the country using the same routes that have been traditionally used for drug trafficking. Some are carrying drugs in the hope of providing finance for their families back at home. They are persuaded to do this for large sums of money. It could also be that once in Norway these people hope to get rid of the drugs and may wish to apply for asylum or refugee status. The vast majority are men and their ages vary.’

### **Those in prison for drug crimes are predominantly dealers, not users of drugs.**

‘Our foreign inmates are younger, healthier, and stronger, they work harder.’ Anne Egeberg Deputy Director of Kongsvinger says that there was almost no drug use in the prison.

A similar picture was given by Marja Thomas, Deputy Director of Ter Apel. ‘This group has fewer problems with addiction than the Dutch population. As a group they have fewer mental health complications that we see in the Dutch population. That is because they are not drug users and because they are basically healthy.’

### **In Norway about 70% of foreign nationals who enter prison do not have a valid social security number.**

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<sup>10</sup> Information on nationality of prisoners in Spain and Sweden is in Appendix 2

It is assumed that they have little or no social connection to Norway, no work, family or accommodation. This is difficult to assess because the information given may not be accurate or consistent. As a result the authorities know little about them.

Inside prisons it was heartening to meet people who spoke of foreign national prisoners with respect. 'They're not the little guys who think it is tough or cool to be a criminal. They've done criminal things to survive. Many have come to Sweden to support a family. I can relate to that.' said one officer.

### **Foreign national prisoners were described as a hard working prisoners, preferring to be engaged in purposeful activity.**

Marja Thomas of Ter Apel said that some nationalities adapted well to prison. 'To some extent they have their lives well organised. That's how our staff see prisoners from South America and Eastern Europe. They keep their cells clean and tidy, they want to work all day, not just the half day we offer here.'

Foreign prisoners often come from extremely poor backgrounds and are highly motivated to earn money through work. Prisoners earn around 60-65 Norwegian Krone (NEK) a week in Norway. In Sweden they were paid between 11-13 Swedish Krona (SEK) per hour. There appeared to be more variation in pay at the Madrid V prison in Spain with workers earning 3-500 euros a week with top rates paid to skilled workers in the bakery or electrical workshop. Prisoners told me they spent their money on phone calls, cigarettes and food from the prison shop. Some send money home to their families.

In every country I was told that prisoners from Central and Eastern Europe express views that are racist. This leads to fights and incidents. Staff in Norway and Netherlands spoke of a culture of aggression and violence in prisoners from Eastern Europe, particularly Russia. A mixture of nationalities on any wing or unit helps to ensure that one group did not exert too much influence. Men from countries that have experienced military regimes or war, such as Afghanistan or former Yugoslavia, may have a disproportionate fear of staff in uniforms. This makes their adjustment to prison more difficult.

The attitudes of male prisoners towards female staff were generally good though some men found it difficult to accept women in a position of authority. The following comment reflects a common experience: 'Some men don't like to take orders from me, they don't like to listen to a woman. They look straight through me and look at the man behind me. But in the end they come round and tell the new prisoners that they should treat women with more respect'.

## Promising Practice

In this section I focus on the highlights of my Fellowship, the beacons of promising practice.

Some of the promising practice that I have identified occurs because of the work of outstanding individuals who are committed to good outcomes for prisoners. I include here the **chaplains of the Safe Way Home** resettlement programme in Norway and **Mohamed Gulied, Director of Mariefred prison**, Sweden. It should be acknowledged that that these examples occur in countries where prisons are relatively well-resourced. At Mariefred prison there are 94 members of staff and 112 prisoners, a ratio that cannot be imagined here in England and Wales. But this prison also exemplifies a practice that is common to all the prisons I visited; prisoners have access to small

kitchens where they prepare and share light meals together. The opportunity to cook and share food meant a lot to prisoners.

In the section **Contact with the outside world** I focus on practices that encourage prisoners to maintain contact with the outside world through their consul, their family and volunteer support.

### Mariefred prison, Sweden

**Mariefred prison is a medium security prison in Mariefred, 50 kilometres west of Stockholm. There are 112 prisoners, over half of them foreign national. The largest groups are from Africa, Central and Eastern Europe and South America. All foreign prisoners face deportation.**

*‘Just imagine spending 3 years of your life in prison in Europe and coming back home without anything? Maybe you come from a poor family, maybe you never told them you were in prison. The question is how are we going to help them, how are we going to give them an opportunity? If we can give a man something here in prison then he may better live with his family and have a life. If we can do this it is a charity for the whole world.’*

Mohamed Gulied, Director Mariefred prison



*Mohamed Gulied,*

Foreign prisoners had more opportunities at Mariefred prison than at any other I visited. This is largely because of the leadership of the Director Mohamed Gulied. He knows something of what it is to be incarcerated. He was born in Somalia and was detained by Swedish immigration authorities as a young man. ‘I’ve gone through it myself, coming to the country when I was on my own. It gives me a sense of knowing what these people are going through.’ Now a Swedish citizen this experience has shaped his career choice and his approach to the men in his care.

Fifteen years ago Mariefred prison had just five foreign prisoners, mainly from Latin America. Today they make up over half the population; those serving six months or more have an 80% chance of being deported.

Mohamed describes the circumstances which bring some prisoners or clients to Mariefred. Around 85% of them are in prison as a result of drug offences.

‘Mostly these guys are given drugs to transport, they arrive in the country and are caught within hours, sentenced for 10 years. They have never seen the country. They don’t have any contacts here, they were just delivering the drugs. They come from a poor background, their family don’t know they are in prison. It means something to take something home with you so what can we give them so that they can have a future?’

Mohamed believes that the best way to do this is through education. All prisoners are assessed (as long as they have 6 months to serve), a task made easier because a third of the prison staff speak at least one foreign language. In total 26 languages are spoken, five of them by Mohamed. Because prisoners and staff are able to communicate it is easier to identify prisoners who cannot read or write. Men from Bulgaria and Romania may not have received even primary education. All prisoners

can learn Swedish through the Swedish Easy Reader book series. Some learn English. Foreign prisoners had access to creative activities – the art teacher was Romanian.

Perhaps the most impressive feature at Mariefred was training offered to foreign prisoners. Since 2014 foreign prisoners can learn how to weld iron in a new training workshop. Welding, Mohammed says, is a skill that can be used wherever a prisoner goes back to. 'I'm from Africa myself. I remember people building gates, building beds, making buckets for water, pans for cooking, repairing cars. These skills are still needed in Africa, South America and in Eastern Europe. I had a post card the other day from a prisoner who's back in Gambia and just about to open his own business. He can do something that will keep him out of prison'. The training course lasts four months; those who complete the course receive a certificate and can then work to produce fire baskets which are sold locally.



*Welding workshop at Mariefred prison*

At Mariefred foreign prisoners live separately from the main population in units or Pavilions, each housing 20 men. There are 10 cells at each end with communal space in the centre including a seating area and a small kitchen for preparing food and a laundry room. The staff office was in close proximity. This seemed to work well at Mariefred. I found it hard to imagine prisoners facing isolation in this unit. Given the multitude of nationalities there was a remarkable degree of relative harmony among prisoners. They appeared to get on well, calling each other by country name rather than their own name, 'Hey Africa.' or 'Where are you going Albania?' One officer told me it was rare to hear them use first names. 'They treat each other with respect, sharing their lives for the moment only because everyone is passing through.'





*Pavilion 2 at Mariefred prison, home to 20 foreign prisoners*

Prisoners here ate their three daily meals at small tables. This is a sharp contrast to conditions at HMP Wandsworth, where prisoners eat every meal in their cell, perched on a chair or on the edge of their bed. However it was the opportunity to cook and share food together at weekends which was so popular in the prisons I visited. Mohamed Gulied believes this is a way of communicating and teaching respect. Prisoners agreed. 'If you can share your food you can share your culture' one said.



*Kitchen in Pavilion 2, Mariefred prison*



*Table set for evening meal, Mariefred prison*

Prisoners had in-cell television with a choice of 25 television channels including foreign language channel, CNN, BBC, Al Jazeera and a sports and film channel. The channel choice is reviewed every six months and then adapted to the population. Every weekend three foreign language films are selected which can be watched individually or as a communal activity.

## Contact with the outside world:

### Extended visits

Foreign prisoners with partners or children are in a vulnerable position. If their families live hundreds of miles away they probably won't receive visits. Only a third of Dutch prisoners abroad who responded to a questionnaire said they received visits. Foreign prisoners in Spain had family links but only 40% reported receiving visits.

Foreign prisoners in the prisons I visited were granted extended or accumulated visits so that families travelling long distances could stay for a longer, for example for 3 hours rather than 1 hour, and then return again the next day.

In some prisons in Sweden and Norway it is possible for a prisoner's family to stay in an apartment within the prison. At Haldane prison in Norway this is available to six to eight men, who are part of the parenting or 'Daddy' programme. Foreign nationals are not excluded but must speak Norwegian as did one recent participant from Bosnia. Their family is allowed to stay once a month at Knut's House, a small cottage with its own garden inside the prison.



*Elling Ellingson outside Knut's House and bunk beds in the children's room, Haldane prison, Norway*

The cottage is equipped to hotel standards and includes everything that a family might need during a night away; a television, games console, board games, camera and headache pills.

According to Elling Ellingson, pictured above, the prisoners know that it is a privilege to be part of this programme. It is a collaborative venture that is managed by Elling, but run by prisoners. On the day of the visit they arrive at around 2pm to prepare the cottage, make the beds and cook for the weekend. The family arrive at 3pm and they have 24 hours together, mostly in private though the staff visit the house three times during the period. Once the visit is over the prisoner cleans the cottage in preparation for Knut's House to be used by the next family. They know the man who is coming in next so usually do the job well!

Visiting Knut's house was a humanising experience, an acknowledgement of how important families are for prisoner rehabilitation.

## Skype and video conferencing

In The Netherlands, Spain and Norway, prisoners had supervised access to Skype and video conferencing with their family.

Access is supervised and prisoners are risk assessed. Prisoners told me that this technology provided the only way of 'seeing' their family and regarded it as very important. However, the environment of the rooms in which Skype or video conferencing took place varied in quality. At one prison in the Netherlands private conversations could easily be overheard as prisoners sat close together, each in front of a monitor or screen. There were nine monitors in a small room.

In spite of these problems it seemed clear that there are significant benefits for foreign prisoners. It is relatively inexpensive. The attraction for prison authorities is that video or Skype visits require fewer staff and reduce the risk of contraband entering the prison.



*Skype/video conference facility at Madrid V, Spain*



*Skype suite, Haldane prison, Norway*

## Consular support

It is a right of all foreign national prisoners to receive assistance from consular staff from their country of origin. In practice only a few countries provide this consistently to their nationals in foreign detention.

For the past 30 years the Dutch have demonstrated a compassionate and proactive response towards their adult citizens imprisoned abroad. Three organisations have provided care to Dutch prisoners abroad:

- The Dutch Ministry of Foreign Affairs and Diplomatic Missions who provide consular visits to prisoners
- The International Office of the Dutch Probation Service; 300 volunteers (living abroad) visit prisoners with the aim of reducing harm during detention and reducing reoffending
- Epafra, a religious organisation that provides Dutch nationals with spiritual support. 45 chaplains (priests, pastors and imams) carry out visits that take place once or twice a year.

Until last year the impact of this work had not been evaluated. A new study by Femke Hofstee-van der Meulen, was published in the autumn of 2015 and provides insight into value that prisoners place on these visits<sup>11</sup>.

The survey reveals that 94% of Dutch nationals held in prison abroad and who participated in the questionnaire received support from the Netherlands. Nearly a quarter were visited within one week of their arrest and more than a half within a month.

A personal visit by consular staff is seen by prisoners as the most important type of assistance they received. Dutch prisoners who received consular assistance experienced their detention as less negative than those who did not receive assistance. They felt more safe, more informed about prison rules and procedures and less disconnected from the outside world. They had better interactions with prison staff and lived with higher expectations for the future. Consular visits give prisoners a certain standing and feeling of protection.

In practice not all prisoners are willing to contact their embassies and not all embassies and consulates are interested in detained countrymen. This research brings to attention the benefit of consular support, particularly as the start of detention.

### Volunteer support.

The Dutch Probation Service is, thanks to its large network of volunteers, able to reach out to more than half of the Dutch prisoners. I met a young person, now living in Rotterdam, whose four-year prison sentence in Japan had been transformed by regular volunteer visitor.

‘It was very hard, very military, we slept on the ground. I had to learn Japanese and ask permission for everything, for water, to speak, to go to the toilet. I was allowed letters once every three months. My volunteer came to see me once a month for 20 minutes. I felt happy I could see somebody who spoke my language, I was very thankful. She could see how hurt I was and understood what I felt. She listened to me, answered my questions and gave me the strength to continue.’

Femke Hofstee-van der Meulen’s research shows that prisoners are highly appreciative of the personal attention they receive from volunteers of the Probation Office and the visits of the chaplains of Epafra. Once prisoners understand that they are visited by volunteers, and not paid representatives, they place the assistance in a different perspective. This kindness was truly appreciated and some were emotionally touched by this. Thanks to personal attention they feel that people are who ‘believe in them’.

I wanted to find other volunteers whose national or cultural background was similar to the foreign national population. They were hard to identify.

In Norway I met with a Romanian couple, Mircea and Ronela Cristian. Their lives are dedicated to helping prisoners in Romania through the Rock of Ages programme, a faith-based educational programme. The purpose of their visit was to encourage Romanians living in Oslo and Bergen to deliver the programme to Romanians in prison. These efforts are laudable and are made in difficult

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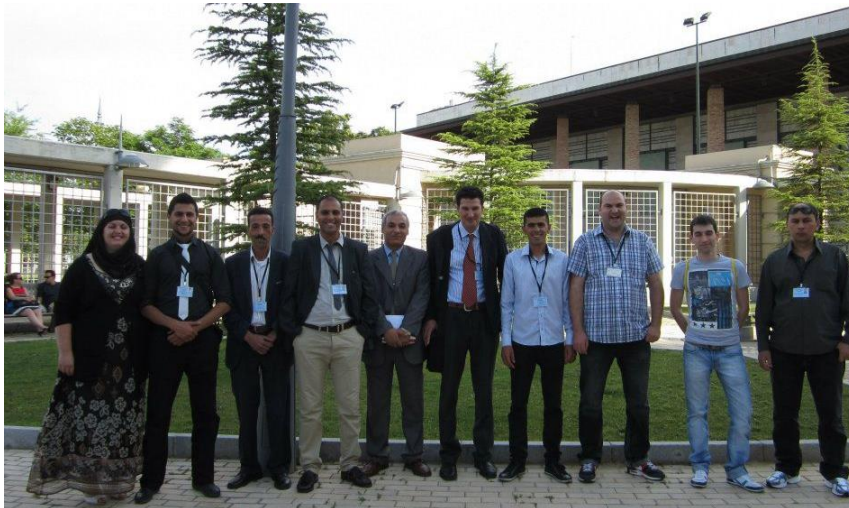
<sup>11</sup> Detained Abroad. Assisting Dutch Nationals in foreign detention. Femke B.A.M. Hofstee-van der Meulen December 2015



times. It is hard to raise funds; foreign prisoners are seen as less deserving of support. Gaining the trust of prison staff and access to prisons takes time and it is hard to secure funding.

One man who has been more successful is Rachid Ismaili. He lives in Madrid and leads a community group, Asociación Hispano Árabe para el Desarro, which focuses on the cultural interests of the Moroccan community – around 800,000 people – living in the city.

Rachid first became interested in prisons because of the hunger strike and death of a Moroccan prisoner. Around 1,600 Moroccans are held in prisons around Madrid, most serving sentences for drug offences related to hash, theft and assault. Since 2015 volunteers from Asociación Hispano Árabe para el Desarro has been visiting Moroccan prisoners in the Madrid V11 prison. The focus of the three-hour sessions was initially music and calligraphy but volunteers have been able to help with translation and more general support where appropriate. The Spanish authorities require that all conversations are held in Spanish. Since September 2015 the group has some funding from the Moroccan Government and has also been able to provide information and advice to families of prisoners from an office in Madrid.



*Rachid Ismaili (fourth from left) and prison volunteers outside Madrid V11 prison, Spain*

## Resettlement: Safe Way Home, Norway

**‘Safe Way Home’ helps prisoners who will be deported make practical plans for their release and reintegration to their home country. It is an integral part of the Salvation Army’s chaplaincy programme in Norwegian prisons, and is part-funded by the Norwegian government. Once former prisoners have arrived in their home country they are supported by the Salvation Army’s network which exists in over 127 countries.**



*Yury Zelentsov and Lucy Slade*

*‘It’s not just putting them on the bus – we physically take them home and try and stay in touch for three months. In the last four years, 52 men have been helped to resettle in around 21 countries.’*

Yury Zelentsov is a Russian who has lived in Oslo for the past eight years. Outside working hours he plays the cornet, supports FC Zenit St Petersburg and is President of the Russian Disc Golf Club. By day he’s a Salvation Army chaplain and has developed a resettlement project for foreign prisoners in Norwegian jails.

Salvation Army chaplains work with prisoners of all faiths and none. Yury was drawn to foreign prisoners because he saw their isolation in Norwegian prisons. His language skills were much needed by the Eastern European population – he speaks Russian, Norwegian, English and Finnish. He tries to start his conversations with prisoners early in their sentence. The emphasis is on the prisoner’s willingness to change and take responsibility for themselves.

‘We are not going to romanticise anyone’s story. Sometimes prisoners say ‘What can you do for me?’ This is not what we want. There are people who are committed to a life of crime. Unless they realise they need to change there is nothing we can do. The work starts when they use their time in prison as an opportunity to reflect on what brought them there.’



Chaplains provide a mixture of spiritual and practical support. For foreign prisoners this includes encouragement to contact their consul. 'It's very important for prisoners to see their consul. It was tough at first because the consuls didn't want to start coming into prison but now it has become an important part of the work they do. Now the Estonian and British consul know every one of their prisoners by name.'

Foreign prisoners in Norway often serve long sentences, the average being four years. Yury encourages them to put this sentence to good use. 'I say to them, don't lie on your bed doing nothing. You lost control, something went wrong and you have to accept this. You cannot understand where you are going unless you understand where you came from. We don't force the discussion but we are here to help them with the existential questions'.

Prisoners already engaged with Salvation Army's chaplaincy work and who want help through 'Safe Way Home' are encouraged to make detailed plans for their release. 'It is the start of their reintegration. We encourage them to write plans because there are so many temptations. Old friends may call and encourage them to fall back into old ways. Having a plan provides you with blinkers and a script. We discuss which airport, who will pick them up, who has the keys, is there food in the fridge, if there isn't where are you going to buy it and what with?'

The success of Safe Way Home hinges on an agreement with the Norwegian immigration police. Information about the departure date and flight times are shared with Yury though not with prisoners. He is then able to ensure that paper work is in order thus avoiding further detention in an immigration centre. During this time the prisoner may feel very uncertain but will be told that everything is taken care of. Prison chaplains continue to visit once a week until departure. Yury is always at the airport in order to say good bye and when appropriate following the man onto the plane, giving him food for the journey. Timing is important too. If the plane is delayed by a few hours the person may arrive in the middle of the night with no one to meet them.

People arriving at the airport in their home country are met by a Salvation Army officer in uniform. This is particularly important for men returning to Nigeria, for example. There is anecdotal evidence that corrupt customs officials 'confiscate' money from returning prisoners, leaving them stranded at the airport. 'If the man can tell the customs official that he is being met at the airport by a Salvation Army officer and can point to someone in a uniform it makes a huge difference.'

Thereafter the prisoner is accompanied home 'It's not just putting them on the bus – we physically take them home and try and stay in touch for three months. In the last four years 52 men have been helped to resettle in around 21 countries.'

Safe Way Home has also benefited from training in how to identify victims of human trafficking so that the victims are protected and the criminals involved are brought to justice. 'Sometimes it takes a lot of listening to discover that someone has been trafficked. There was one guy who had been stealing gas from trucks all over Europe. He had many other issues including alcohol addiction but it was clear that other people were in charge – on release he would never be a free man. He gave us information about the people who were planning to collect him from the airport and arrests were made.'

## Conclusion

The imperative to deport foreign prisoners has impoverished prison regimes across Europe. This was most apparent in the newer, foreign national-only prisons. Even in Sweden foreign prisoners are removed from processes of rehabilitation and resettlement. Having completed the Fellowship it appears that foreign prisoners are treated as a toxic by-product of our porous borders. No country wants to take responsibility for them, not even the prisoner's own country.

Given the pressures on prisons - crowding and diminishing budgets – it is vital that prisoner transfer agreements work better in Europe. Prisoners who transfer to a prison to serve the remaining part of their sentence in their home country will have better access to rehabilitation, work and accommodation upon release.

The failure to deal properly with the reintegration of foreign national prisoners is an acute problem. Because they are foreign and may not return to 'our community' they are seen as less deserving and, perhaps, less human. All countries return prisoners to their home-countries with no interest in their welfare or whether they will re-offend. This is desperately irresponsible. It is very bad for individual prisoners, for their families and for the communities to which they return.

Our prison population is likely to remain diverse and we need to get better at managing foreign national prisoners. It is a task that needs the co-operation of all countries in Europe and elsewhere, and is one we should not ignore.

## Recommendations

- **A coherent strategy for foreign national prisoners in England and Wales is needed.**

Prisoners and staff need better resources to cope with the language difference. Information available in a range of languages is a priority. In some prisons in England and Wales prisoner information has been translated through free, online translation services resulting in incomprehensible text. Information for prisoners should be produced centrally and distributed to prisons so that both the content and quality of translation is good. More frontline prison staff should be given training to help them manage language and cultural difference and so that they understand the immigration procedure, and not just domestic prison rules.

- **The National Offender Management Service (NOMS) needs to have an agreed vision for the resettlement for foreign prisoners.**

NOMS has failed to resource and support resettlement services for all prisoners regardless of nationality. More needs to be done to reduce the risk of reoffending and to prepare prisoners to return to their communities abroad. This is a new and challenging area of resettlement and needs to be properly resourced. There needs to be effective coordination between agencies here and abroad to find practical help for returning prisoners.

Here, the St Giles Trust, well known for its Peer Advisor programmes in 26 prisons, is evaluating the impact of their first foreign national Peer Advisor scheme at HMP Huntercombe, one of our two foreign national-only prisons. Serving prisoners are trained to become qualified advice workers, able to provide immigration and resettlement advice to their fellow prisoners. The programme is now in

its second year and the results of the evaluation will be of interest to those shaping resettlement services for foreign prisoners in other prisons<sup>12</sup>.

**More needs to be done to speed up the process of deportation.**

Procedures for using international and bilateral transfer agreements should be improved. Greater cooperation between European countries is needed. NOMS and the Foreign Office should work together more effectively so that our diplomatic missions abroad can bring pressure on foreign governments to honour treaty obligations and accept prisoners in a timely fashion. Where treaties do not exist, they should be negotiated as a matter of priority.

- **All countries should ensure that their nationals in prison receive consular visits.**

Consular authorities should be encouraged to visit their nationals in prisons in England and Wales. They should provide tailored assistance to their nationals with regard to treatment in prison.

- **Foreign prisoners should be encouraged to maintain or restore relationships with their family and friends, even across long distances.**

Family contact is a key agent in reducing reoffending and helping resettlement. Fathers should be encouraged to attend family relationship courses. If they are fortunate enough to receive visitors from overseas, accumulated visits should be made possible. For those with families abroad, Skype and video conferencing provide the only opportunity to 'see' their families.

It is disappointing that Skype and video conferencing are used only intermittently in custodial settings in England and Wales, particularly when there are precedents for it working well. At HMP/YOI Parc in South Wales foreign national prisoners were able to use Skype suites to communicate with their families abroad<sup>13</sup>. The same security procedures that applied to telephone calls and social visits applied to these sessions. The screen and the prisoners were monitored by security cameras. International time-zones necessitated a degree of flexibility and prisoners communicated with their families in Europe and Africa. Unfortunately the use of Skype was terminated in all establishments in mid-2015 (by the Ministry of Justice), partly because transmissions were being made in some prisons without permission. Skype is still used HMP/YOI Parc for a Youth Justice Board pilot, though not for foreign nationals.

The fact that Skype has been successfully used in this prison, and in others on an ad hoc basis, is enormously encouraging. Anxiety about security, much of it historical and outdated, has impeded the use of technology in prisons here. However there is much to support a change in attitude in this report. In 2013 the Prison Reform Trust and the Prisoners Education Trust recommended the use of Skype for improved family contact and particularly for people holding foreign nationality<sup>14</sup>.

In the meantime video conferencing, though not as useful or as flexible as Skype, is being used in some Immigration Removal Centres. It does not require internet access and has the potential to help foreign nationals prepare to make arrangements for their return.

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<sup>12</sup> Funded by the Bell Foundation this programme won second prize in the Robin Corbett Award for Prisoner Rehabilitation, February 2016.

<sup>13</sup> HMP/YOI Parc is a privately run, category B resettlement prison for around 1800 young and adult men

<sup>14</sup> Report: Through the Gateway. How Computers Can Transform Rehabilitation 2013

It should not be forgotten that some foreign prisoners have lived in the United Kingdom for many years and their families are living here. Because of deportation they face permanent separation from their families. At the very least these prisoners, and the families that will be left behind, need support from family liaison workers.

- **Volunteers from diverse backgrounds that reflect the foreign population are needed in prison.**

A broader range of organisations should be encouraged to become involved in criminal justice. Partnerships with community groups, for example migrant and refugee organisations, would enhance the support of foreign national prisoners.

## Appendix 1 Organisations, Prisons and People

### The Netherlands

#### **Prison Watch**

Femke Hofstee-van der Meulen,

<http://www.prisonwatch.org/>

#### **Gevangenezorg**

Joost de Jager, Hans Barendrecht

<http://www.gevangenezorg.nl>

#### **Europris**

Kirsten Hawlitschek,

<http://www.europris.org/>

The International Office of the Dutch Probation Service <http://www.reclassering.nl>

Marjolein Groot, Raymond Swennenhuis

Marco Brok, Maroles Kuiters

#### **Epafras**

Peter Middelkoop,

<http://www.epafras.nl>

#### **Prisons**

**Ter Apel Prison, Ter Apel  
Norgerhaven Prison, Veenhuizen,**  
(Prison leased to Norway)

Marja Thomas, Deputy Director

May Olsen, Deputy Director

### Sweden

#### **Kriminalvarden**

#### **Swedish Prison and Probation Service**

Sarang Ahsani, International Study Visit Coordinator

<http://www.kriminalvarden.se/>

#### **Caritas, Stockholm,**

George Joseph

Migration, Asylum and Trafficking

<http://www.caritas.se/>

#### **BUFFF**

Madelein Kattel, Operations Manager, BUFF

<http://bufff.nu/>

#### **Prisons**

**Mariefred Prison, Mariefred**

Mohamed Gulied, Director

**Österåker Prison, Åkersberga**

Marie Van den Bos, Prison Officer

**Storboda Prison, Roserberg**

Sara Luth, Deputy Director

**Märsta Detention Unit, Märsta**

Mauricio Sepulveda

## Norway

### **Kriminalomsorgen**

**Directorate of Norwegian Correctional Service** <http://www.kriminalomsorgen.no>

Kristin Franklin, Senior Advisor, International Unit

Kim Ekhaugen, Director of International Unit

Naima Khawaja, Project Manager, Norderhaven Prison

Ragnar Kristoffersen, Assistant Professor at Correctional Service of Norway Staff Academy

**Ministry of Justice and Public Security** <https://www.regjeringen.no>

Andreas Skulberg, Deputy Director, Ministry of Justice and Public Security

**Salvation Army Prison Chaplaincies** <http://www.frelsesarmeen.no/>

Yury Zelentsov

### **Organisation for Families and Friends of Prisoners**

Kjersti Holden and Emem Israel Daniel

<http://www.ffp.no/no/languages/english/>

**Oslo Prison**

Pål Endresplass

**Halden Prison**

Elling Ellingson

**Kongsvinger Prison**

Anne Egeberg, Deputy Director

**Norderhaven Prison, Veenhuizen, Netherlands**

May Olsen, Deputy Director

(Prison leased to Norway)

## Spain

**General Secretariat of Penitentiary Institutions, Madrid**

<http://www.institucionpenitenciaria.es/web/portal/idioma/en/index.html>

Isabel Munoz Martinez-Mora, Fernando González Vinuesa (Technical Advisors)

**Asociación Hispano-Árabe para el Desarrollo y la Cultura**

Rachid Ismaili

<http://www.ahadc.org/index.html>

**Prison**

**Madrid V, Soto del Real Prison**

Angel Vicente Lopez Muriel, Sub Director, Security



## Appendix 2 Prison population information, Spain, Sweden and bibliography

**Sweden:** the figures below relate to the citizenship of new admissions of sentenced prisoners during 2014.

Total number of admissions in prisons 2014: 8943 persons

Citizenship:

Sweden	5861
Nordic countries	355
EU beside Nordic countries	1101
Europe (not EU and Nordic)	276
Africa	400
Asia	453
North America	24
South America	68
Oceania	1
Non existing countries	136
Stateless	40
Unknown country	228

**Spain:** the figures below relate to the 10 largest groups of male foreign prisoners in Spain in September 2015

Morocco	3512
Romania	1692
Columbia	1442
Equador	643
Algeria	399
Portugal	360
Bolivia	257
Venezuela	229
Bulgaria	189
France	186
United Kingdom	174
Lithuania	148

### **Bibliography**

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<http://www.justiceinspectrates.gov.uk/hmiprisons/inspections/>