Foreign national prisoners: the UKs perspective
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Presentation to cover

• FNPs statistics – Europe & UK
• prison initiatives & management of FNPs
• impact on probation practise
• policy issues
• European recommendations
Foreign National Prisoners—
a European issue

Source: International Centre for Prison Studies, London

<table>
<thead>
<tr>
<th>Country</th>
<th>1998</th>
<th>2011/12</th>
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</thead>
<tbody>
<tr>
<td>Switzerland</td>
<td>61%</td>
<td>74%</td>
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<tr>
<td>Belgium</td>
<td>36%</td>
<td>44%</td>
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<tr>
<td>Italy</td>
<td>24%</td>
<td>35%</td>
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<tr>
<td>Spain</td>
<td>18%</td>
<td>33%</td>
</tr>
<tr>
<td>France</td>
<td>26%</td>
<td>18%</td>
</tr>
<tr>
<td>UK</td>
<td>7%</td>
<td>13%</td>
</tr>
<tr>
<td>Denmark</td>
<td>15%</td>
<td>28%</td>
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<tr>
<td>Austria</td>
<td>28%</td>
<td>49%</td>
</tr>
</tbody>
</table>
UK Foreign National Prisoner statistics

- FNPs doubled since 2000
- 11,500 prisoners – 13% of prison population
- nationals from 170 countries; Jamaica (878), Poland (735), Irish Republic (756), Nigeria (581), Pakistan (475), Vietnam (494), Romania (454), Lithuania (445)
- EEA Nationals comprise 35% of the FNP population
- 4,500 FNPs deported per annum
Foreign National Prisoners - UK context

• 2006 watershed for FNPs
• high political interest in deportation of FNPs
• policy coordination between Home Office Immigration Enforcement & NOMS Prisons & Probation
• legislative changes - UK Borders Act 2007, Immigration Bill 2013
• improved identification of immigration status at arrest, sentencing & imprisonment leading to increased deportation of FNPs
Prison approach to FNPs

- FNPs - first & foremost prisoners
- allocated to prisons in same way as British nationals according to sentence length and security needs
- all prisoners are categorised - consigned to lowest security category consistent with managing their needs in terms of security & control at all stages of their sentence
- prisoners of interest to the HO IE may be allocated to designated FN prisons within 18th months of release date
Meeting needs of FNPs

- well documented – HMP Inspections/CoE FNP Recommendations
- language – supported to learn English
- tackling isolation – use of peer support & Prisoner Forums, FN coordinators, FN orderlies, FN Bulletin, role of voluntary groups
- sentence planning and need to plan for resettlement in either the UK or abroad
- Prisoner transfer/Early Release - is it in the best interest of FNPs to serve sentence in their country of nationality?
Policy initiatives for FNPs

- embedded immigration staff - ‘Hub & Spoke’ system
- Two 100% FN prisons (1,000 beds)
- Facilitated Removal Scheme – for non-EEA nationals
- Early Removal Scheme, all FNPs considered = 1/3 of all removals
- Tariff Expiry Removal Scheme – for indeterminate sentences ie Lifers/ Imprisonment for Public Protection
- PTAs – CoE/Commonwealth, bilaterals - compulsory & voluntary
- EU Framework Decision 909
Probation practise & FNPs

- role in sentence planning & resettlement
- redefined/refocused relationship with Home Office Immigration Enforcement
- provision of risk information for immigration bail, immigration detention reviews & deportation/appeals hearings
- managing releases from immigration detention
- FNPs not deported but resettling abroad – EU FD 947 & licences
Immigration detention issues

• 1,700 ex-FNPs in immigration detention
• 1,000 beds in prison & 700 in IRCs
• Immigration detention conditions in prison similar to remand conditions
• 4,700 ex-FNPs in community – HO IE continuing proceedings
• Immigration bail conditions + prison licence

Home Office manage detention facilities in STHCs & IRCs for immigration detainees

Asylum claims settled before deportation can proceed
Relevant EU FDs & groups

- EU FD 829 Supervision measure as alternative to remand detention.
Relevant international recommendations & guidelines

- CoE Recommendations on Foreign National Prisoners (2012) 12
- CoE Probation Recommendations (2010) 1
- UN Model Agreement on the Transfer of Foreign Prisoners & Recommendations on the Treatment of FNP (1985)