



Foreign national prisoners: the UK's perspective

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Nick Hammond

NOMS Equality Rights & Decency Group

and

London Probation Trust



Ministry of
JUSTICE

National Offender
Management Service

London
Probation Trust



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

Country	1998	2011/12
Switzerland	61%	74%
Belgium	36%%	44%
Italy	24%	35%
Spain	18%	33%
France	26%	18%
UK	7%	13%
Denmark	15%	28%
Austria	28%	49%



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 FNP
- 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 909 Prison transfer <http://www.europris.org/expert-groups/framework-decision-2008909jha-transfer-of-prisoners/>
- EU FD 947 Community sanctions transfer
http://www.cepprobation.org/uploaded_files/ISTEP-Project-Overview-Letter.pdf
<http://www.euprobationproject.eu/>
- EU FD 829 Supervision measure as alternative to remand detention.
- CEP Organisation for Probation in Europe - Foreign National Prisoners Special Interest Group <http://www.cep-probation.org/page/79/foreign-national-prisoners>
- EuroPris European organisation for Prisons & Correctional Services <http://www.europris.org/>



Relevant international recommendations & guidelines

- CoE Recommendations on Foreign National Prisoners (2012) 12
- CoE Recommendations on Prison Rules (2006) 2
- CoE Probation Recommendations (2010) 1
- UN Model Agreement on the Transfer of Foreign Prisoners & Recommendations on the Treatment of FNP (1985)
- UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) Resolution 45/110 (1990)

Reference; Foreigners in European Prisons 2007 Ed A.M. Van Kalmthout
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