



# Kent Academic Repository

**Barnoux, Magali F.L. and Wood, Jane L. (2012) *The specific needs of foreign national prisoners and the threat to their mental health from being imprisoned in a foreign country.* Aggression and Violent Behavior, 18 (2). pp. 240-246. ISSN 1359-1789.**

## Downloaded from

<https://kar.kent.ac.uk/35383/> The University of Kent's Academic Repository KAR

## The version of record is available from

<https://doi.org/10.1016/j.avb.2012.11.012>

## This document version

Pre-print

## DOI for this version

## Licence for this version

UNSPECIFIED

## Additional information

## Versions of research works

### Versions of Record

If this version is the version of record, it is the same as the published version available on the publisher's web site. Cite as the published version.

### Author Accepted Manuscripts

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding. Cite as Surname, Initial. (Year) 'Title of article'. To be published in *Title of Journal*, Volume and issue numbers [peer-reviewed accepted version]. Available at: DOI or URL (Accessed: date).

## Enquiries

If you have questions about this document contact [ResearchSupport@kent.ac.uk](mailto:ResearchSupport@kent.ac.uk). Please include the URL of the record in KAR. If you believe that your, or a third party's rights have been compromised through this document please see our [Take Down policy](https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies) (available from <https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies>).

**The Specific Needs of Foreign National Prisoners and the Threat to Their Mental  
Health from being Imprisoned in a Foreign Country**

**Magali Barnoux, PhD Candidate**

**Dept. of Psychology, Keynes College, University of Kent, Canterbury, Kent, CT2 7NP**

**[mlb25@kent.ac.uk](mailto:mlb25@kent.ac.uk), tel: +447511423289 Fax: +44 (0)1227 827030 – corresponding**

**author**

**Dr Jane Wood**

**Dept. of Psychology, Keynes College, University of Kent, Canterbury, Kent, CT2 7NP,**

**J.L.Wood@kent.ac.uk , tel: +44 (0)1227 823037 Fax: +44 (0)1227 827030**

### **Abstract**

Foreign National Prisoners represent an increasingly significant and vulnerable proportion of the prison estate in England and Wales, accounting for 13 per cent of the population in custody (Prison Reform Trust, 2010). They are ever present in the Safer Custody statistics, accounting for nearly a quarter of self-harm incidents and self-inflicted deaths (HM Inspectorate of Prisons, 2009). Recent Inspectorate Reports (2006, 2007, 2010) and a handful of research studies (Bhui, 2009 for a review) outline the lack of support facing many foreign national prisoners, in terms of language problems, social and cultural isolation, family support, immigration uncertainties and diversity issues. This paper reviews the current context of the foreign national prisoner population in England and Wales, paying particular attention to their experiences, specific needs and potential threat to their mental health from being imprisoned in a foreign country. We then offer suggestions as to how these issues can be addressed by reviewing existing initiatives and making recommendations for future research.

### **Keywords:**

Prisoners, Ethnicity, Needs, Isolation, Mental Health

## **1. Introduction**

As early as 1995, Richards, McWilliams, Batten, Cameron and Cutler, (1995a) highlighted foreign nationals made up a significant proportion of the prison population in England and Wales. Using figures supplied by the Home Office, the authors estimated that almost a third of female and about 7% of male convicted prisoners were foreign nationals. Of these, over half were serving sentences of at least four years and most were subject to deportation orders (Richards et al, 1995a). However, until recently this group of prisoners was largely disregarded within the criminal justice system. Previously labelled as ‘the forgotten prisoners’ (Prison Reform Trust, 2004a, 2004b), their anonymity in the prison system suddenly disappeared in April 2006. Over 1000 foreign national prisoners were released from custody before immigration authorities could assess whether or not they should be deported (Banks, 2011). This discovery caused damning media, public and political reactions, exacerbating concerns about immigration and crime (BBC News, 2006; Banks, 2011). Foreign nationals were portrayed in the media as dangerous individuals, managed by incompetent criminal justice and immigration professionals (Banks, 2011; Bhui, 2009), leading to damaging outcomes for an already disadvantaged group in the prison population (Bhui, 2009; HM Inspectorate of Prisons, 2006).

The need to address the issue of foreign national prisoners was subsequently highlighted by two investigations carried out by the HM Inspectorate of Prisons (HM Inspectorate of Prisons, 2006, 2007). The results were damning for the Prison Service who were accused of failing to meet the needs of foreign national prisoners regarding family contact, immigration uncertainties and language difficulties (Bhui, 2009). Foreign national prisoners’ multiple identities lead to experiences of disadvantage on multiple levels, including socio-economic status and cultural differences (Bhui, 2009). It became apparent that they should be considered a distinct category of individuals with particular management and welfare needs

which were unaddressed within the Prison System (Bhui, 2009). Since the HM Inspectorate of Prisons investigations (2006, 2007), there has been some advancement in operational practice and policy to address the needs of foreign national prisoners (Ministry of Justice, 2012). However, the most recent Annual Report addressing foreign national prisoners (HM Inspectorate of Prisons, 2010) records faltering progress towards equitable provision for this group across the prison estate in England and Wales.

More worryingly, since the HM Inspectorate of Prisons investigations (2006, 2007) and changes in practice and policy, foreign national prisoners have occupied a larger place in the safer custody statistics. Indeed, in 2007 there was a marked increase in the number of deaths of foreign national prisoners, from around six per year from 2000 to 2006, to 24 in 2007. In terms of percentage, foreign nationals accounted for 16% and 28% of self-inflicted deaths in 2007 and 2008 respectively, (HM Inspectorate of Prisons, 2009). In 2008, it was hinted some feared that policy changes affected the psychological well-being of foreign national prisoners (Borrill & Taylor, 2009), but little research addressed the issue. However, the need to ascertain whether foreign national prisoners are *uniquely* vulnerable to suicide and self-harm has also been noted (Borrill and Taylor, 2009).

In this context we review existing literature on the needs and potential threats to the mental health of foreign national prisoners across the prison estate. We specifically focus on: outlining the key characteristics of the current foreign national prisoner population; summarising findings from research regarding their needs, vulnerabilities, and risks, and provide recommendations for future research. Throughout this paper, we refer to a foreign national prisoner using prison service definitions (i.e. any offender who does not hold a British passport; HM Inspectorate of Prisons, 2006), held in HM Prisons and Immigration Removal Centres in England and Wales.

## 2. Characteristics of the Current Foreign National Prisoner Population

### 2.1 The Growth of the Foreign National Prisoner Population

Since 2000, the number of foreign national prisoners in England and Wales has increased by 98%, compared to a 25% increase in British nationals (Ministry of Justice, 2011). Table 1 illustrates the growth of the foreign national prisoner population in England and Wales since 2000. On 31<sup>st</sup> December 2011, there were 11,077 foreign nationals in prison, representing 13% of the current prison population. Of these, 10,463 (94.5%) were males and 614 (5.5%) were females.

Table 1.

Population in Prison by Nationality, 2000-2011

Year	All	British Nationals	Foreign Nationals	Unrecorded Nationality	Foreign nationals as a percentage of total population
2000	65,194	59,043	5,586	564	8.57%
2001	66,403	58,732	6,926	745	10.43%
2002	71,218	62,553	7,719	946	10.84%
2003	73,657	63,614	8,912	1,132	12.10%
2004	74,488	64,379	8,942	1,167	12.00%
2005	76,190	65,670	9,651	869	12.67%
2006	77,982	66,160	10,879	944	13.95%
2007	79,734	67,767	11,093	874	13.91%
2008	83,194	70,751	11,498	946	13.82%
2009	83,454	71,231	11,350	874	13.60%
2010	85,002	71,016	11,135	2,851	13.10%
2011	86,172	73,620	11,077	1,475	12.85%
Percentage Increase	32.18%	24.69%	98.30%	161.52%	

(source: Banks, 2011; Ministry of Justice 2008, 2011)

In 2011, foreign national prisoners held in England and Wales originated from 159 different countries. Just over half came from one of 10 countries (Nigeria, Somalia, Irish Republic,

Lithuania, Poland, Romania, India, Pakistan, Vietnam, and Jamaica; Ministry of Justice, 2011). Of this population, 70% were from an ethnic group other than white, and foreign nationals made up 40% of the total number of ethnic minorities in prison (Ministry of Justice, 2010a).

## **2.2 Sentences and Detention**

The vast majority of foreign nationals serve sentences of four or more years for drug-related offenses (Richards et al 1995a; Bhui, 2009). Of foreign national women, 58% are serving custodial sentences for drug offences, compared to 24% of British women (Ministry of Justice, 2010b). In male prisons, 38% of Foreign Nationals are serving sentences for drug offences whilst the most common offence for British men (28%) is violence against the person (Ministry of Justice, 2010a). There has also been a sharp increase in the number of foreign national women imprisoned for fraud and forgery offences (1,995 in 2005; Prison Reform Trust, 2010). In 2006 12% of all sentenced foreign nationals were convicted of fraud or forgery offences compared to 1.5% of sentenced British nationals (Bhui, 2009). This may be in part due to immigration controls becoming tighter (Bhui, 2009).

At the end of 2011, the vast majority of foreign national prisoners (90.6%) were being held in Category B (medium secure) and C (low secure) conditions; 8.5% were held in high security conditions, 0.9% of foreign national prisoners were held in Category D (open) conditions and just under 6% were held in Immigration Removal Centres (Ministry of Justice, 2011). Foreign nationals in custody are unlikely to be given home detention curfew, release on temporary license, or Category-D status if they are subject to deportation, regardless of index offence or good behaviour (Bhui, 2009). Since 2007, the UK Border Agency has removed or deported over 15,000 foreign national offenders, yet the HM Inspectorate of Prisons (2010) continues to find detainees held under immigration powers after the expiry of their sentence

and in February 2007, approximately 1,300 foreign nationals were held in prison or immigration detention beyond the length of their sentence (Prison Reform Trust, 2010).

### **2.3 Resettlement**

Government measures to lower the rising foreign national prisoner population include the ‘early removal scheme’ and the ‘facilitated removal scheme’ (HM Prison Service, 2005) but implementation of these schemes has so far been inconsistent (HM Inspectorate of Prisons, 2010). This can be explained by the poor practice of immigration case workers responsible for completing paperwork (HM Inspectorate of Prisons, 2006). Other reasons include problems obtaining travel documents; deportation recommendations made on people who have been remanded in custody, which means they have little time left to serve once they have been sentenced; foreign nationals appealing against deportation orders and last minute applications for asylum status near the end of their sentence (Bhui, 2009). Since 2006, post-sentence detention has increased due to the reluctance of immigration authorities to take chances with any risk assessment and release of foreign nationals in the face of public scrutiny and political interest (Bhui, 2009). Given the exponential growth of the number of foreign national prisoners in the UK, the Prison Service, alongside a handful of researchers have devoted effort and interest in addressing the specific needs of this group.

## **3. The Needs of Foreign National Prisoners**

Before the Thematic Review of Foreign National Prisoners (HM Inspectorate of Prisons, 2006, 2007), a small number of studies consistently identified several key problem areas associated with the specific needs of foreign national prisoners (Bhui, 1995; Bhui, 2004a; Bhui, 2004b; Borrill, 2002; Cheney, 1993; Prison Reform Trust, 2004a, 2004b; Richards et al, 1995a, 1995b; Shaw, Appleby & Baker, 2003; Tarzi & Hedge, 1990; Tarzi & Hedge, 1993). However, since the Thematic Reviews (HM Inspectorate of Prisons, 2006, 2007),



there has been little research in the area. Subsequent HM Inspectorate Annual reports include brief sections on foreign national prisoners (HM Inspectorate of Prisons, 2010, 2011) and only a handful of research papers have been published (Banks, 2011; Bhui, 2009; Borrill & Taylor, 2009; Cohen, 2008; Fazel & Silove, 2006; Steel, Silove, Brooks, Momartin, Alzuhairi, & Suslijik, 2006). Nonetheless, the literature reveals three major problems faced by foreign national prisoners to which nearly all other problems are linked: *language*, *maintenance of family ties* and *immigration*. Other problems include: lack of information and understanding of the criminal justice system, social and economic disadvantages, cultural isolation, lack of preparation for release and diversity issues within prisons. Each of these is examined in turn, below.

### **3.1 Language Problems**

Language difficulties experienced by foreign national prisoners permeate and exacerbate almost all the other problems faced by this section of the prison population (HM Inspectorate of Prisons, 2006). In the HM Inspectorate Annual Report (2010), interpretation services were found to be of generally poor standards and foreign nationals did not make regular use of the translation facilities provided by the Prison Service. Information packs for prisoners have currently been translated into 27 different languages (Prison Reform Trust, 2010). These translations would cover 128 of the 159 countries represented by the foreign national prisoner population. Consequently, the vast majority of foreign nationals would have access to documentation in a language they understand. However, there are still 31 of the 159 countries currently represented for whom translated material is not available. Based on populations held in custody as at September 30, 2011, prisoners from these 31 countries represent 7% of the total foreign national prisoner population (N=757; Ministry of Justice, 2011) and unless housed with other prisoners from the same country, are likely to be completely isolated due to language barriers.

Furthermore, foreign nationals are often frustrated at not being understood by staff, having little to read in their own language, and missing out on basic provisions (showers, association, canteen etc) because they have misunderstood available information (Bhui, 2004a, 2009). This raises serious concerns regarding avenues available for them to express their concerns to the authorities (Prison Reform Trust, 2004a). Often, other prisoners are used as go-betweens which may lead to misleading information (Prison Reform Trust, 2004a). Whilst information packs for foreign nationals translated into their own language and other initiatives help improve the quality of life for many, there will always be individual prisoners from one of the minority language groups who is likely to experience almost total isolation, particularly if there are no other prisoners in the same establishment from their own country (Richards et al, 1995a).

Unsurprisingly, links have been established between language obstacles and issues such as isolation, mental health and self-harm (Bhui, 2009; Cohen, 2008). The isolation which stems from segregation as a result of communication difficulties puts these prisoners in vulnerable positions and it is thus paramount that efforts are focused on dealing with language barriers if foreign national prisoners are not to become 'second class prisoners.' Solutions to this problem could include assessing a prisoner's level of English when they are received into custody, identifying the presence and whereabouts of existing prisoners who share the same language and attempting to house similar nationals in the same establishments. Further steps are needed to ensure the availability of adequate translation services for these individuals if we are to prevent a severe impact on their mental health during custody. Currently, such assessments do not appear to be consistently carried out and vary between establishments since formal guidelines do not seem to exist. Providing international sections in prison libraries and access to appropriate media sources, translations of documentation and information panels into different languages and training staff to acquire basic language skills,

although costly, (but not as costly as ongoing medical care and round-the-clock observations), would certainly ameliorate communication with isolated foreign national prisoners.

### **3.2 Maintenance of Family Ties**

The difficulties for foreign national prisoners maintaining their family ties are strongly reflected in research (Cheney, 1993; Richards et al, 1995a, 1995b) and have implications for mental health and well-being, as well as for resettlement and re-integration of prisoners returning to communities and families post-release. Maintaining links with family and friends is significantly more problematic for foreign nationals than UK prisoners (Richards et al, 1995a). Because the families of foreign nationals usually live abroad, often in very difficult circumstances, visits from family members are unlikely, except for those from Western European countries (Richards et al, 1995a). Visits foreign national prisoners do receive are likely to be from members of support groups or from friends or relatives who live in the UK (Richards et al, 1995a). Existing prison policies aimed at maintaining family ties hold little relevance for foreign nationals: visitor centres, extended visits for children, temporary releases, improvements to visiting rooms, and the Assisted Visits Scheme will have little impact if families of foreign nationals cannot get to the prison (Richards et al, 1995b). Free air letters and the lifting of most letter censorship is helpful, however, phone cards have relatively few benefits to foreign nationals as the calls they need to make are too expensive compared to what they can afford to purchase (Prison Reform Trust, 2004a). Similarly, the time of day for phone access is rarely considered relative to the time zone in which the family lives (Richards et al, 1995a). Women are particularly likely to report distress at the difficulties associated with maintaining family ties, which is all the more worrying as they are often the primary carers for their children. Richards et al (1995a) found a significant minority of foreign national prisoners lose all contact with their families before the end of their

sentence. These findings were replicated in the Thematic Review (HM Inspectorate of Prisons, 2006), highlighting the fact that the specific needs of Foreign National Prisoners, although known, were not being addressed.

Separation from family in an alien environment can mean that foreign nationals' mental health needs are often greater than they are for other prisoners (Prison Reform Trust, 2004a). Indeed, the presence of a supportive family network has been found to protect prisoners against suicide, and breakdowns in these relationships may well trigger suicide attempts amongst prisoners (Borrill, Snow, Medlicott, Teers, & Paton, 2005). Research shows how suicidal behaviour links to problematic family relationships or the absence of family ties and where family contact and support is maintained, foreign nationals are very likely to be worried about their family's wellbeing (Borrill & Taylor, 2009). Ross and McKay's (1979) research shows how threats to personal relationships, loss of loved ones and the immediate prison environment links to self-harm for prisoners. Further, evidence suggests that prisoners who have lost their sense of integration within their own social group and are no longer subject to social, family or religious control are at increased risk of suicidal behaviour (McKenzie, Serfaty, & Crawford, 2003; Tartaro & Lester, 2005).

The maintenance of family ties is vital to the psychological and emotional well being of foreign national prisoners in custody and has implications for their successful resettlement. Whilst some initiatives do exist (foreign national days, dedicated voluntary support groups etc), there are a number of ways in which conditions could be improved. If families are living abroad, the Prison Service is limited in what it can do to aid visits beyond the schemes already in place. As the main method of contact for most foreign nationals is by telephone, the cost of regularly phoning home is unaffordable. However, using current technology, telephone access could be much easier since numerous telephone companies provide international calling packages, some even offering free calls abroad (Skype for example,

[www.skype.com](http://www.skype.com)) and it is not unreasonable to offer supervised access to these facilities in prisons where there are significant holdings of foreign nationals (e.g. HMP Canterbury). The easiest form of contact with those abroad is of course via the Internet and although there are obvious security issues with this, there is no reason why limited secure access to email or internet calls could not be implemented. Initiatives like these would certainly support family contact for foreign nationals and help to reduce their sense of isolation and emotional well-being.

### **3.3 Immigration and Resettlement**

Foreign national prisoners are all at risk of deportation or removal if they do not hold a British passport. The Thematic Review (2006) revealed that one of the main problems foreign nationals experience is uncertainty about their immigration status (HM Inspectorate of Prisons, 2006). Reasons as to why they experience this uncertainty include language barriers and a lack of understanding of the immigration process. Foreign nationals are more likely than British nationals to be unfamiliar with the criminal justice system and hence they are likely to suffer from an inability to understand legal processes and access information that they understand (Richards et al, 1995a). This is worrying since research shows that events linked to court appearances and sentencing, influences suicidal behaviour in foreign national prisoners (Borrill & Taylor, 2009). A lack of support and contact from the authorities also creates anxiety especially when prisoners are faced with last minute decisions regarding deportation or removal (Bhui, 2009). Furthermore, foreign nationals have concerns about how their offence and deportation will be viewed if they return to their home countries (Borrill and Taylor, 2009). Indeed, anticipated family shame, especially in cultures with a strong emphasis on family responsibilities and honour, may increase the expectation of facing humiliation at home, and failed deportation appeals simply add to a sense of defeat (Borrill and Taylor, 2009).

Richards et al (1995a) suggests that the absence of understanding prison procedures and restrictions imposed by immigration status means that foreign national prisoners do not have the same access to home-leave as do their British national counterparts. Most foreign nationals cannot be considered for Category-D prisons due to their deportation status since the authorities fear they will abscond (Richards et al, 1995a). Since all too often there is a lack of information regarding pre-sentencing reports, offence history and previous convictions it is hard to construct a reliable risk assessment for foreign nationals in order to address their criminogenic needs. The Thematic Review (2006) reveals that prison staff hold concerns that there are no mechanisms that can be used to relay concerns about vulnerable and high risk individuals to home country authorities, and so many foreign national ex-prisoners return home with little or no support. Language barriers also prevent many foreign nationals from accessing offending behaviour programmes and in some cases they had been excluded from local programme completion targets, which lead them to be considered low priority referrals (Bhui, 2009; HM Inspectorate of Prisons, 2006). Few foreign nationals have any contact with probation staff and many are disadvantaged in the parole process unless they can demonstrate that they have addressed their offending behaviour, which, of course they are unable to do if they have been unable to access relevant treatment programmes (Prison Reform Trust, 2004a). For these reasons, most foreign nationals are not offered early release and are often held beyond the end of their sentence due to delays in completing their deportation papers - thus adding additional distress to the prisoners and cost to the taxpayer. Finally, concerns are raised about foreign nationals who have not completed any offender behaviour programmes and who remain in the U.K. following release. If they have been unable to attend treatment programmes then their criminogenic needs are unlikely to have been addressed and so potentially they are at risk of reoffending once back in the community.

Incarceration alone elevates the risk of self-injurious behaviours and suicide for any prisoner (Liebling, 1993) yet for foreign nationals, the added pressure of not knowing when they might be released and where they will go following release can only exacerbate this risk. Indeed, Fazel & Silove, (2006) and Steel, Silove, Brooks, Momartin, Alzuhairi, & Suslijik, (2006) found an independent adverse effect of immigration detention on the mental health of refugees. More recently, the prospect of deportation has been shown to link to suicidal behaviour in several cases in the Borrill and Taylor (2009) study. Managing the impact of immigration concerns for foreign national prisoners is certainly not an easy task as it is heavily reliant on the good policies and practice of the UK Border Agency. Individual concerns and potentially, many incidents of self harm and/or suicide attempts could be dissipated if we can: ensure that each case is consistently addressed and managed in a timely fashion, ensure prisoners understand legal processes, and informed of events at every stage. It would also ensure that the over-stretched Prison Service and taxpayer are not bearing the cost of detaining foreign nationals longer than necessary, especially if they cannot be granted temporary release or transfer to open prison conditions.

### **3.4 Social and Economic Disadvantage**

Richards et al (1995a, 1995b) argue that foreign national prisoners are socially and economically disadvantaged in prison. In social terms, foreign nationals tend to be low in the prison hierarchy: their lack of language skills and unfamiliarity with the culture make it difficult for them to 'play' the system (Richards et al, 1995a, 1995b). For many foreign nationals their sentence is their first in a UK prison and so they have limited experience of the UK criminal justice system (HM Inspectorate of Prisons, 2006, 2007). They are also economically disadvantaged in both the official and unofficial prison economies (Richards et al, 1995a). Unlike British national prisoners their friends and relatives are not usually able to

visit and provide them with goods and consequently, licit and illicit goods are not transferred to them to use as bargaining power in the prison (Richards et al, 1995a).

Furthermore, as the majority of offences committed by foreign nationals are drug related, it is likely that their private finance has been confiscated, leaving them with prison earnings as their sole means of gaining any resources (Richards et al, 1995a, 1995b). Richards et al argue that foreign nationals often do not have access to the more sought after and higher paid jobs in prison, usually due to language barriers, but also because they often occupy themselves in full time education, not only to learn English but also to acquire skills that may be useful to them after release (Richards et al, 1995a, 1995b). Pay differentials in prison work are vast and those in full time education receive the lowest rates (Richards et al, 1995a).

Social disadvantage and specific sets of circumstances have also been linked to prisoners' depression and other mental health problems (Howard League for Penal Reform, 1999). Furthermore, changes in economic status, good and bad, have been found to predict suicide rates in society in general (Tartaro & Lester, 2005) and such changes may well have adverse effects on foreign national prisoners who find themselves low down in the social and economic prison hierarchy. Initiatives to accommodate them in terms of education and employment should be deployed, allowing for individual differences in skills and abilities to be accommodated. Language should not be a limiting factor to the more lucrative jobs, since most jobs available in prison are largely 'blue collar' type employments and with adequate translation services and support there is no reason why foreign national prisoners should not have equal employment opportunities within the prison system.

### **3.5 Cultural Deprivation**

Foreign nationals suffer a number of social and cultural deprivations in prison. They experience "*a double burden – 'a prison within a prison' – being imprisoned within an*



*unfamiliar culture ... in general and prison life, in particular*” (Richards et al, 1995b, p201). Part of this deprivation is fairly obvious: very few prison officers speak a second language so there may be very few people (staff or fellow inmates) with whom Foreign Nationals can converse. The library is likely to contain very few books they can read and unless support groups, embassies, friends or relatives can send in books, papers or magazines, they have no sources of reading material (Prison Reform Trust, 2004a, 2004b). Some may be able to pick up radio stations in their own language but television will almost always be in English (Richards et al, 1995a). Foreign Nationals are also likely to suffer deprivation of missing familiar foods (Richards et al, 1995a). Providing familiar foods may help them maintain at least some of their cultural identity, facilitating social integration. Research shows how the majority of foreign national prisoners spend their money on canteen foods – which means they have little left to purchase phone cards or stamps for maintaining family ties (Richards et al, 1995a).

An added factor to this cultural isolation is the recent policy set out on the development of specialist prisons for foreign national prisoners. HM Prison Service have implemented a ‘Hub and Spoke’ arrangement for holding foreign national prisoners in a limited number of prisons: HMP Canterbury, Bullwood Hall and Morton Hall hold only foreign national prisoners; The Verne, Risley, Hewell, The Mount and Wormwood Scrubs hold primarily foreign national prisoners; a further 36 prisons are designated ‘spoke’ prisons and will hold a significant number of foreign nationals (Clinks, 2010). There are advantages to this re-configuration facilitating access to immigration authorities and subsequent decision making (Clinks, 2010). Concentration also allows for the development of initiatives such as foreign national days and the development of experience among staff to become familiar with different cultures, appropriate library and education facilities (Richards et al, 1995a, 1995b). However, the process of moving foreign national prisoners around the prison estate to ensure

they are in specific prisons has consequences for them in terms of maintaining contact with families living in the U.K., access to continuity in terms of legal advice, availability of ongoing support services etc (Clinks, 2010). The issue also raises the question of which prisoners should be housed together. For example, it is likely that foreign nationals from the Republic of Ireland or the USA are likely to feel more comfortable among UK prisoners, in terms of language and cultural similarities, than if they were housed with foreign nationals from Africa, Asia or the Caribbean. Furthermore, concentrating foreign nationals together decreases their ability to learn English as they will more than likely keep to fellow inmates who speak their language and rely on those who can speak English only for translating when necessary. This may prove problematic given the high turnover of prisoners in custody. It is therefore most likely that the foreign nationals who suffer the greatest degree of deprivation will be those in prisons where their total number is very small (Richards et al, 1995b).

Previous research has highlighted depression and general mental health needs amongst isolated foreign national prisoners (Pourgourides, 1997; Richards et al, 1995a, 1995b; Tarzi & Hedge, 1990). For example, 36% of male and 53% of female foreign nationals assessed in the Cambridge Family Ties project were classified as clinically depressed (Richards et al, 1995a, 1995b). More recently the last HM Inspectorate of Prisons Annual Report (2010) found that foreign nationals in multi-national prisons spent less time on association as a result of isolation or fear and many reported currently feeling unsafe. There are clear arguments for grouping foreign national prisoners together. However, this should not be at the expense of access to and ease of visits from families and friends, nor should they necessarily be segregated from their UK counterparts, many of whom could possibly provide support to foreign nationals in terms of cultural assimilation and language skills. It is important that the Prison Service strike the right balance in the concentration and/or dispersal of foreign national prisoners across the prison estate.

### **3.6 Diversity Issues**

The Thematic Review (HM Inspectorate of Prisons, 2006) highlighted the importance of developing a better understanding of the factors that impact on foreign nationals' experience of prison life. Different forms of prejudice and discrimination exist for foreign nationals in terms of skin colour, nationality, language skills, and residency defining their prison experience (Bhui, 2009). The Prison Reform Trust (2004a, 2004b) found that racism and a lack of respect and understanding from prison staff was common. The Thematic Review (HM Inspectorate of Prisons, 2006, 2007) found that Black and Asian foreign nationals were more likely to experience problems in terms of their race, their religion and a lack of respect from other prisoners and prison staff. Conversely, White foreign nationals were regarded as having an easier life in prison as they tend to be considered as Europeans who share cultural values with the officers (HM Inspectorate of Prisons, 2006). The Thematic Review (HM Inspectorate of Prisons, 2006) pointed out that there were low levels of discrimination on the basis of religion; however, many Muslims tended to feel that they were stereotyped as a result of the wider political climate (Bhui, 2009). In addition, in the last available Annual Report (HM Inspectorate of Prisons, 2010), foreign national prisoner reports indicate that they feel unable to approach staff for help and that staff do not respect them.

Residency outside of the UK is the greatest predictor of problems during incarceration. Foreign nationals, who were not U.K. residents before imprisonment report more language difficulties, and more problems with issues of immigration, family contact, legal services and cultural isolation (HM Inspectorate of Prisons, 2006). Indeed 84% of non-UK residents reported problems and unmet needs compared to 69% of UK residents (HM Inspectorate of Prisons, 2006). This is not surprising, since their limited knowledge of the U.K.'s culture is likely to work against foreign nationals entering a U.K. prison. In contrast many UK resident

foreign nationals have English as their main language and this seems to act as a protective factor (HM Inspectorate of Prisons, 2006).

The prevalence of mental health problems among foreign national prisoners is not surprising given that some have experienced torture, persecution and abuse in their homelands. Such experiences can only add to the fragility of their mental health, which is likely to be compounded by a lack of knowledge regarding release dates (Borrill and Taylor, 2009). Diversity issues are generally well addressed within the Prison Service, with good initiatives towards the prevention of racism and bullying (HM Inspectorate of Prisons, 2010). However, these policies should allow for the multiple identities and subsequent disadvantages experienced by foreign national prisoners in context of their other vulnerabilities in terms of language and culture. Perhaps the setting up of foreign national support groups similar to the Listeners scheme provided by the Samaritans (Samaritans, 2010) may help to alleviate some of the myriad of problems foreign national prisoners and the prison staff trying to help them face.

#### **4. Prison Service Responses to the Needs of Foreign National Prisoners**

Despite considerable numbers of foreign national prisoners and the implications of the 2006 Thematic Review (HM Inspectorate of Prisons, 2006, 2007), there is still no national Prison Service or National Offender Management Service policy which addresses the needs of foreign national prisoners. Inconsistent practices have been flagged by several Inspectorate reports (HM Inspectorate of Prisons, 2007). Bhui (2009) reports that 40% of prisons which have undergone full inspections between 2005 and 2006 have no foreign national policy in place and of those that do, few demonstrate effective implementation. The last available Annual Report addressing foreign national prisoners (HM Inspectorate of Prisons, 2010) states that a foreign national 'rationalisation' programme has been implemented through a

service level agreement between NOMS and the UK Border Agency. However, this has happened without any prior consultation, announcement or equality impact assessment (Clinks, 2010). This agreement does not refer to the support services or regimes that foreign nationals might expect (HM Inspectorate of Prisons, 2010) and despite this plan, there is still no national policy for the care and treatment of foreign nationals (HM Inspectorate of Prisons, 2010) and services in many of prisons remain underdeveloped or have deteriorated. The needs of foreign national prisoners remain marginal and dependent on individual prison staff initiatives, who have little time and/or few resources (HM Inspectorate of Prisons, 2010) and there is still little evidence of systematic monitoring or needs analyses being applied in the case of foreign nationals (HM Inspectorate of Prisons, 2010). Individual prisons have, in part, implemented local policies and taken a proactive role in addressing their needs (Ministry of Justice, 2012) but progress has been slow (Bhui, 2009) and there has been no dedicated thematic report on foreign national prisoners since 2007. The latest HM Inspectorate Report (2011) only reports faltering progress towards their provision in Immigration Removal Centres, stating *“There was uneven progress and much inconsistency in Immigration Removal Centres overall”* (HM Inspectorate of Prisons, 2011, p67), with no section dedicated specifically to foreign national prisoners. However Bhui (2009) argues that there is consistent good practice in women’s prisons, largely driven by the voluntary group ‘Hibiscus’ (<http://www.hibiscuslondon.org.uk/>) which is part of the Female Prisoners’ Welfare Project. Nonetheless, given the vulnerabilities of foreign national prisoners and the threat that imprisonment poses to their mental health, it is paramount that a national policy be developed and put in place. The numbers of foreign nationals in custody are unlikely to decrease and if nothing is done to accommodate their needs, the situation is likely to deteriorate rapidly - especially in light of the current economic situation faced by the Prison Service.

## **5. Recommendations and Future Research**

There is an evident need for more systematic research surrounding the needs of foreign national prisoners and the threat to their mental health from being imprisoned in a foreign country. The majority of research stems from HM Inspectorate Reports (2006, 2007) and since there are only a handful of academic studies in this area, research is sorely lacking. To date, there is only one study that assesses the impact of the specific needs of foreign national prisoners on their mental health (Borrill and Taylor, 2009) and given the implications of the existing research, as reviewed here, further studies are desperately needed.

In addition to the lack of research, the majority of existing studies suffer from methodological flaws. Indeed, most lack external validity. Although both male and female offenders are included in most of the research, the studies generally suffer from small unrepresentative samples, excluding certain sections of foreign nationals and prison establishments and many lack adequate controls (e.g. Bhui, 1995; Bhui, 2004a; Bhui, 2004b; Bhui, 2009; Borrill & Taylor, 2009; Cheney, 1993; Cohen, 2008; Fazel & Silove, 2006; Prison Reform Trust, 2004a, 2004b; Richards et al , 1995a, 1995b; Steel, Silove, Brooks, Momartin, Alzuhairi, & Suslijik, 2006; Tarzi & Hedge, 1990; Tarzi & Hedge, 1993). This limits the statistical significance of any analyses performed on data collected and the generalisability of any of the findings. Another common flaw in existing research is its tendency to use purely descriptive statistics to draw inferences with some studies relying on retrospective and historical data (Borrill and Taylor, 2009; Cohen, 2008; HM Inspectorate of Prisons, 2006, 2007, 2010; Richards et al, 1995a). Although this methodology may be useful to generate a first impression of the situation it cannot be used to draw meaningful conclusions. Future research needs to focus on larger foreign national prisoner samples across the UK prison estate, include more British controls and use more sensitive inferential statistical analyses. Such research would allow for an assessment of how foreign nationals' specific needs in terms of

language, family contact, social and economic isolation, immigration concerns and diversity issues can be addressed and the actual impact these have on their mental health.

## **6. Concluding Comments**

This paper has identified foreign national prisoners as having common experiences and needs, usually linked with problems of family contact, immigration uncertainties, language, social, cultural and economic isolation and diversity issues that make it necessary to consider them as a distinct category. They are still seen in prison policy mainly as potential deportees rather than individuals with distinct management and welfare needs (Bhui, 2009). While there is no doubt there is enthusiasm within the prison service for improving the experiences of the foreign national prisoner population, there is still a lack of a coherent national strategy addressing their needs (Bhui, 2009) and systematic quality research in this area has been poor. Given the growing representation of foreign nationals in our prisons, it is paramount these issues are addressed as much for their well-being as well as for the well-being of our society in general. Great Britain has now become a multi-national, multi-cultural nation and adapting to the needs of our foreign national residents, as much in custody as in the community, is no longer desirable but rather a basic requirement which should be recognised.

### **Acknowledgements**

I would like to extend my gratitude and thanks to all involved in the project for their unwavering support and assistance at every stage: Jane Wood , Brian Pollett, Chris Bartlett, Elena Gamska, Weronika Filipiak, and all the staff involved from HMP Canterbury and HMP Elmley, namely Kostas Kailou, Darron Giles, Peter Baker and Gillian Baulf.

I would like to give a special mention to Paul Marsh and Sianne Goddard who have been invaluable and without their support the research would not have been possible.



- Banks, J. (2011). Foreign National Prisoners in the UK: Explanations and Implications. *The Howard Journal*, 50 (2), pp 184-198. doi: 10.1111/j.1468-2311.2010.00655.x.
- BBC News. (2006). *More foreign nationals 'released'*. Retrieved August 29, 2010, from BBC News Politics: [http://news.bbc.co.uk/1/hi/uk\\_politics/5022536.stm](http://news.bbc.co.uk/1/hi/uk_politics/5022536.stm)
- Bhui, H. S. (1995). Foreign National Prisoner Survey. *Probation Journal*, 42 (2), 97-99.
- Bhui, H. S. (2004a). *Developing effective policy and practice for work with foreign national prisoners*. London: Prison Reform Trust.
- Bhui, H. S. (2004b). The resettlement needs of foreign national offenders. *Criminal Justice Matters*, 56 (1), 36-44.
- Bhui, H. S. (2009). Foreign National Prisoners: Issues and Debates. In H. S. Bhui, *Race and Criminal Justice* (pp. 154-169). London: SAGE.
- Borrill, J. (2002). Self-inflicted deaths of prisoners serving life sentences, 1988-2001. *British Journal of Forensic Practice*, 4 (4), 30-38. doi: 10.1108/14636646200200024.
- Borrill, J., & Taylor, D. (2009). Suicides by foreign national prisoners in England and Wales 2007: mental health and cultural issues. *The Journal of Forensic Psychiatry and Psychology*, 20 (6), 886-905. doi:10.1080/14789940903174113.
- Borrill, J., Snow, L., Medicott, D., Teers, R., & Paton, J. (2005). Learning from near misses- Interviews with women who survived an incident of severe self-harm. *Howard League Journal*, 44, 57-69. doi: 10.1111/j.1468-2311.2005.00355.x.
- Cheney, D. (1993). *Into the dark tunnel: foreign prisoners in the British prison system*. London: PRT.

Clinks. (2010). *NOMS' Hub and Spoke arrangements for Foreign National prisoners.*

Retrieved August 29, 2010, from Clinks:

<http://www.clinks.org/assets/files/PDFs/Briefings/100324MembersBriefingForeignNationalPrisoners.pdf>

Cohen, J. (2008). Safe in our hands?: A study of suicide and self-harm in asylum seekers.

*Journal of Forensic and Legal Medicine*, 15, 235-244.

doi:10.1016/j.jflm.2007.11.001.

Fazel, M., & Silove, D. (2006). Detention of Refugees. *Editorial BMJ*, (332), 251-252. doi:

10.1136/bmj.332.7536.251 .

HM Inspectorate of Prisons. (2006). *Foreign National Prisoners: A Thematic Review.*

London: The Stationary Office. Retrieved from Ministry of Justice.

HM Inspectorate of Prisons. (2007, January). *Foreign National Prisoners: A Follow Up*

*Report.* London: The Stationary Office. Retrieved from Ministry of Justice.

HM Inspectorate of Prisons. (2009). *Annual Report 2007-08.* London: The Stationary Office.

Retrieved from Ministry of Justice.

HM Inspectorate of Prisons. (2010). *Annual Report 2008-2009.* London: The Stationary

Office. Retrieved from Ministry of Justice.

HM Inspectorate of Prisons. (2011). *Annual Report 2010-11.* London: The Stationary Office.

Retrieved from Ministry of Justice.

HM Prison Service. (2005). *Foreign National Prisoners.* Retrieved August 26, 2010, from

HM Prison Service:

[http://www.hmprisonservice.gov.uk/adviceandsupport/prison\\_life/foreignnationalprisoners/](http://www.hmprisonservice.gov.uk/adviceandsupport/prison_life/foreignnationalprisoners/)

Howard League for Penal Reform. (1999). *Scratching the Surface: the hidden problem of self-harm in Prisons*. London: Howard League for Penal Reform.

Liebling, A. (1993). Chaplaincy Life: suicide and suicide attempts in prison. *New Life*, 10, 76-81.

McKenzie, K., Serfaty, M., & Crawford, M. (2003). Suicide in ethnic minority groups. *British Journal of Psychiatry*, 183, 100-101. doi: 10.1192/bjp.02.667.

Ministry of Justice. (2010a). *Population in Custody, England and Wales*. Retrieved August 26, 2010, from Ministry of Justice: <http://www.justice.gov.uk/pop-custody-june-10.pdf>

Ministry of Justice. (2010b). *Statistics on Women and the Criminal Justice System*. Retrieved August 26, 2010, from Ministry of Justice: <http://www.justice.gov.uk/publications/docs/women-criminal-justice-system-2008-09.pdf>

Ministry of Justice. (2011). *Offender Management Statistics Quarterly*. Retrieved February 25, 2012, from Ministry of Justice: <http://www.justice.gov.uk/statistics/prisons-and-probation/oms-quarterly>

Ministry of Justice. (2012, February 25). *Foreign National Prisoners*. Retrieved from Ministry of Justice: <http://www.justice.gov.uk/offenders/types-of-offender/foreign>

Pourgourides, C. (1997). A second exile: the mental health implications of detention of asylum seekers in the UK. *Psychiatric Bulletin*, 21, 673-674.

Prison Reform Trust. (2004a). *Asylum Seekers and Foreign Nationals*. Retrieved August 26, 2010, from Prison Reform Trust:

<http://www.prisonreformtrust.org.uk/subsection.asp?id=185>

Prison Reform Trust. (2004b). *Forgotten prisoners-the plight of foreign national prisoners in England and Wales*. London: PRT.

Prison Reform Trust. (2010). *Bromley Fact File*. Retrieved August 26, 2010, from Prison Reform Trust:

<http://www.prisonreformtrust.org.uk/uploads/documents/FactFileJuly2010.pdf>

Richards, M., McWilliams, B., Batten, N., Cameron, C., & Cutler, J. (1995a). Foreign Nationals in English Prisons: I. Family Ties and their Maintenance. *The Howard Journal of Criminal Justice*, 34 (2), 158-175. doi: 10.1111/j.1468-2311.1995.tb00834.x.

Richards, M., McWilliams, B., Batten, N., Cameron, C., & Cutler, J. (1995b). Foreign Nationals in English Prisons: II. Some Policy Issues. *The Howard Journal of Criminal Justice*, 34 (3), 195-208. doi: 10.1111/j.1468-2311.1995.tb00838.x.

Ross, R., & McKay, H. (1979). *Self-Mutilation*. Massachusetts: Lexington.

Samaritans. (2010). *The Listener Scheme*. Retrieved April 24, 2012, from Samaritans:

[http://www.samaritans.org/our\\_services/our\\_work\\_in\\_prisons/the\\_listener\\_scheme.aspx](http://www.samaritans.org/our_services/our_work_in_prisons/the_listener_scheme.aspx)

Shaw, J., Appleby, L., & Baker, D. (2003). *Safer prisons - a national study of prison suicides 1999-2000. National confidential enquiry into suicides and homicides by people with mental illness*. London: Department of Health.

Steel, Z., Silove, D., Brooks, R., Momartin, S., Alzuhairi, B., & Suslijik, I. (2006). Impact of immigration detention and temporary protection on the mental health of refugees.

*British Journal of Psychiatry*, 188, 58-64. doi: 10.1192/bjp.bp.104.007864.

Tartaro, C., & Lester, D. (2005). An application of Durkheim's theory of suicide to prison suicide rates in the United States. *Death Studies*, 29, 413-422. doi:

10.1080/07481180590932526.

Tarzi, A., & Hedge, J. (1990). *A prison within a prison: A study of foreign national prisoners*.

London: Inner London Probation Service.

Tarzi, A., & Hedge, J. (1993). *A prison within a prison - two year on: An overview*. London:

Inner London Probation Service.