

DC26/04

cc. Clerks to the IMB
National Council
Governors & Controllers at Establishments
National Tutors

7 December 2004

Dear Chair,

FOREIGN NATIONALS IN PRISON

Background

1. The Prison Reform Trust report in May 2004 "*Forgotten Prisoners – The plight of foreign national prisoners in England & Wales*" spelt out how widespread the growth of this group of prisoners has become in the Prison system. Currently they represent 1 in 8 of all prisoners. The majority of this group of prisoners have been convicted for drug trafficking and are serving sentences of 4 years +.
2. In many prisons little provision has yet been made to address the needs of foreign nationals. The PRT report and HMCIP (Annual Report 2002/3 p 23) refer to a few prisons with good practice.

The Issues

3. The National Council shares the concerns of a number of IMBs about the treatment of foreign nationals in prisons and the need to monitor what is happening more closely.
 - What facilities are provided by the prison to meet the needs of this group?
(*translation facilities, legal assistance for appeals, telephone access to families...*)
 - Has a member of staff been designated with special responsibility for this group?
 - Is the prison maintaining a close liaison with the Criminal Casework Team (CCT) of the Immigration Service at Croydon in compliance with PSO 4630

thus ensuring that Immigration can establish the status of foreign nationals early.

- Are any foreign nationals being held in prison beyond their sentence end date?

Recommendations

4. To be able to deal with, and to answer, the above issues, the National Council is recommending that all Boards monitor:
 - 4.1 The number and origin of foreign nationals held in your prison, identifying those who have **completed their sentence** but are still held under an Immigration Warrant. *For guidance consult PSO 4630 Sep 2004.*
 - 4.2 The working of the **Early Removal Scheme** for deportees introduced in June 2004. *For guidance consult your Admin Staff and PSI 27/2004;*
 - 4.3 The effectiveness of the liaison between the prison and the Immigration Service in reporting promptly the arrival of foreign nationals and in establishing their status.
 - 4.4 The policy of the prison towards meeting the needs of this group of prisoners and who has responsibility for their needs.
 - 4.5 It is recommended, for the time being, that those IMBs who have a significant number of foreign nationals in their prison should have a standing Agenda item for "Foreign Nationals" at monthly Board Meetings.
 - 4.6 If the situation warrants, they should report their findings in their Annual Report and raise any concerns with their National Council Representative.

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National Council

Norman McLean
IMB Secretariat